



SANCTIONED.

MINING ORDINANCE, No. 19 OF 1925.



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GOVERNMENT OF PALESTINE

MINING ORDINANCE.

No. 19 of 1925.

WHEREAS by virtue of Article 12 (2) of the Palestine Order in Council 1922, all mines and minerals of every kind and description whatsoever, being in, under, or on any land or water, whether the latter be inland waters or seas or territorial waters, are vested in the High Commissioner, subject to any right subsisting at the date of the said Order under which any person was entitled to work such mines or minerals by virtue of a valid concession; and by virtue of Article 13 of the said Order in Council the High Commissioner is empowered to make grants or leases of any such mines or minerals upon such terms or conditions as he may think fit, subject to the provisions of any Ordinance,

AND WHEREAS it is desirable to make provision regarding the winning of minerals and the conditions under which minerals may be gotten, and to replace the existing Ottoman laws relating thereto,

BE IT THEREFORE ENACTED by the High Commissioner for Palestine, with the Advice of the Advisory Council thereof.

PART — I

1 This Ordinance may be cited as the Mining Ordinance 1925. Short Title

2 (1) In this Ordinance and the Regulations from time to time issued thereunder, the following terms shall have the meanings assigned by this Section. Definitions

(a) "Company" includes a single company and a group of companies of which one or more companies may be controlled by or affiliated or subsidiary to another company of the same group.

(b) "Controller" means the Controller of Mines and includes any person duly appointed to act for him.

(c) "Director" means the Director of the Department or other officer of the Government of Palestine charged with the administration of this Ordinance.

(d) "Gazette" means the Official Gazette of the Government of Palestine.

(e) "Historical site" shall include any site which is so declared in accordance with the Antiquities Ordinance in force from time to time.

(f) "Holy site" shall include every holy place, religious building, or site entrusted to the control of any religious body in accordance with the provisions of Article 14 of the Mandate for Palestine.

(g) "Holder of a prospecting or exploration permit, prospecting or prospecting oil licence, certificate of discovery or mining right" means the person to whom such permit, licence, or right was granted in the first instance, and in the case of an exploration permit, a prospecting or prospecting oil licence, certificate of discovery or mining right, includes the person in whom such permit, licence, certificate or right has either wholly or partially become vested by devolution, transfer, assignment or otherwise.

(h) "Land" includes all categories of land comprised in the Ottoman Land Code and also all territorial waters, inland rivers and seas.

(i) "Minerals" means all materials of economic value forming part of or derived naturally from the crust of the earth, including mineral oil, pitch, asphalt, and natural gas but not minerals in solution or peat, trees, timber, and similar kinds of forest produce, or the materials defined in Article 1 of the Ottoman Law of Quarries dated 2nd July, 1901.

(j) "Minerals" may be either precious minerals or non-precious minerals.

(k) "Precious minerals" include precious stones and precious metals and the ores of precious metals.

(l) "Precious Metals" include platinum, gold and silver and such other metals as the High Commissioner may, by proclamation published in the Gazette, proclaim to be precious metals.

Provided that no ore shall be deemed to be a precious mineral unless there be present in the ore such proportion of precious metal or metals as would enable the ore in bulk to

be mined in payable quantities apart from the proceeds realised by the extraction therefrom of any other mineral substance.

(m) "Precious stones" include diamonds, rubies, sapphires, emeralds and such other stones as the High Commissioner may, by proclamation published in the Gazette, proclaim to be precious stones.

(n) "Non-precious minerals" include all minerals except precious minerals.

(o) "Alluvial minerals" means minerals, both precious and non-precious, occurring as grains, crystals, or fragments in sands or gravels.

(p) "Mine" means any excavation for the purpose of mining minerals, and all mineral deposits worked at or from the surface together with all buildings, erections, plant machinery, tramways, railways, appliances, stores, waste heaps and dumps belonging or appertaining thereto, above and below ground for any mining purpose as herein defined.

(q) "Mining Purpose" means any work necessary for or incidental to the getting, extraction and treatment of minerals and includes cutting and constructing any tunnel, water race, dam, drain or reservoir, constructing any light railway or tramway, laying any pipes, erecting any machinery or building, whether for the mining operations or for the accommodation of employees, and any other work which the High Commissioner may declare by notice to be a mining purpose.

(r) "Notice" means a notice in the Gazette.

(s) "Oil" means mineral oil and includes natural gas.

(t) "Payable quantities" means sufficient quantities of minerals to enable the mining operations to be undertaken or continued on a commercial basis.

(u) "Person" means any individual or individuals, firm; partnership, company, or corporation.

(v) "Prescribed" means prescribed by or in virtue of this Ordinance and of any Regulations made thereunder.

(w) "Public lands" means all lands in Palestine which are subject to the control of the Government of Palestine by virtue of Treaty, convention, agreement or succession, and all lands which are or shall be acquired for the public service or otherwise.

(x) "Surface damage" includes damage to buildings or other erections on the surface.

(y) "To explore" means to conduct a geological survey with a view to ascertaining the probable presence or absence of minerals or other information as to the nature and structure of the earth's crust and the distribution of surface and underground water.

(z) "To prospect" include all operations connected with the search for minerals and reasonably necessary to enable the prospector to test the mineral-bearing qualities of the land.

(aa) "To mine" includes all acts reasonably necessary for the working, winning, getting, and raising of minerals to the surface and transporting them for the purpose of refinery or storage.

(2) Where the context so admits or requires, the singular number shall be deemed to include the plural and vice versa, and the masculine gender to include the feminine and vice versa.

Prohibition against prospecting, exploring, or mining for minerals save in accordance with the provisions of this Ordinance

3. No person shall prospect, explore, or mine, unless he be the holder of a prospecting or exploration permit, prospecting or prospecting oil licence, mining right or a mining or mining oil lease obtained in accordance with the provisions of this Ordinance.

Nothing in this Ordinance shall be deemed to derogate from the rights of the High Commissioner with regard to minerals in solution or mineral springs.

Appointment of Controller of Mines

4. (1) The High Commissioner may appoint an Officer to be styled the Controller of Mines (hereinafter referred to as "the Controller") and such other officers as may be necessary to carry into effect the provisions of this Ordinance and the regulations issued thereunder.

The office of Controller of Mines may, if the High Commissioner so direct, be combined with another office in the service of the Palestine Government.

(2) No action shall lie personally against the Controller or against any officer appointed under this Ordinance for any act bona fide done in the discharge of his duties.

Immunity of
Controller, etc
for acts done
bona fide

(3) No person whether civil or military while in the service of the Government of Palestine shall directly or indirectly acquire or hold any right or interest under any permit, licence, right or lease issued under this Ordinance, and any document or transaction purporting to confer any such right or interest on any such Officer shall be null and void.

Government
Officers prohi-
bited from
acquiring right

5. (1) It shall be lawful for the High Commissioner by notice in the Gazette, to declare any area to be closed to prospecting or exploration for such period as may be specified or without period assigned.

High Commis-
sioner may close
areas to pros-
pecting or
explorations

(2) No prospecting or exploration permit, prospecting or prospecting oil licence, or mining right, mining or mining oil lease shall authorise or be deemed to authorise the holder or lessee to prospect, explore or mine within:—

Excluded lands

a) (i) Any area which comprises or is within 100 metres of a holy site, except with the consent of the religious body entrusted with its control.

(ii) Any area which comprises or is within 100 metres of an historical site, except with the consent of the Director of Antiquities;

(iii) Any closed forest area, State or State controlled forest, except with the consent of the Director of Agriculture and Forests and subject to such conditions as may be imposed by him for the protection of forest produce.

b) Land situate within a municipal area or area occupied by a village, except with the consent of the municipal or local Authority;

c) Land reserved for the purpose of any railway or situate within 100 metres of any railway, except with the consent of the General Manager of the Railways.

d) Land the site of, or within 100 metres of, any dam or reservoir used for the purpose of supplying water to the public, or land the site of, or within 100 metres of any pipe line used in connection with such dam or reservoir, except with the consent of the public Authority concerned

e) Land which the High Commissioner may by notice declare to be closed either temporarily or permanently to exploration, prospecting or mining;

f) Land over which an exploration permit, a prospecting or prospecting oil licence or mining right previously granted shall be still in force, except by, or on behalf of, the person to whom such permit, licence or right has been granted;

g) Land held under valid mining leases, and land in respect of which application for a mining right or lease has been made, until such application has been refused;

h) Land over which any right of prospecting or mining has been granted or acquired under the late Ottoman Government, unless and until the High Commissioner shall by notice declare such land to be open to exploration or prospecting.

(3) Provided always that in the case of land comprised in paragraphs (f), (g) and (h) above, the Controller may notwithstanding such existing rights grant exploration permits over such areas and may also grant prospecting or prospecting oil licences and the High Commissioner may grant mining rights or mining or mining oil leases in respect of different minerals from those covered by existing permits, licences, rights or leases in cases where he is satisfied that the interests of the holders of such permits, licences, rights or leases will not thereby be prejudiced.

(4) Should any question arise as to whether or how far any particular land is excluded under this Section, it shall be referred to the Controller, whose decision shall be subject to appeal to the High Commissioner.

**Provision as to
the consent of
owner or
occupier of the
surface, etc**

6. (1) No prospecting or exploration permit or prospecting or prospecting oil licence, mining right, mining or mining oil lease shall be granted in respect of land other than public lands except with the consent of the owner of such land if such land be not leased for a period exceeding three years, or with the consent of the owner and lessee of such land if the land be so leased; provided that if such consent be not given within one month of application therefor being made by the Controller, and such owner or lessee is not the holder of or applicant for an exploration permit, or of a licence, right or lease in respect of the land in question, then a permit, licence right or lease may be issued or granted in accordance with this Ordinance on the applicant giving such security as the Controller shall require for the payment of reasonable compensation for the damage which may be done in the course of the mining operations so authorised.

(2) There shall be implied in every prospecting or exploration permit, prospecting or prospecting oil licence, mining right, mining or mining oil lease

a) An obligation, on the part of the holder or lessee of such permit, licence right or lease, to pay compensation to any owner or occupier of the surface of the land comprised in such permit, licence, right, or lease, and of surrounding land for any damage caused in the process of exploration prospecting, or mining, to any surface rights which shall have been created before or after the grant of such permit, licence, right, or lease; and where the Controller is of the opinion that the exploration prospecting, or mining is likely to cause such damage, he may, before such permit, licence, right or lease is granted, require the applicant therefor to give such security against damage, either by way of deposit or otherwise, as he may think fit; and on the security being given such owner or occupier shall not be entitled to restrain exploration, prospecting, or mining by action or otherwise.

b) A reservation to the High Commissioner of all his powers to enter into and upon, and to grant to any person or persons whomscever, liberty to enter into or upon the said lands for all and every purpose other than those for which the permit, licence, right or lease has been granted, and particularly (and without in any way qualifying such general power or liberty) to make or lead on, over or through the said lands such roads, tramways, railways, telephone and telegraph lines and pipe lines as shall be considered necessary and expedient for any purpose, and to obtain from and out of the lands comprised in such permit, licence, right or lease, such stones, timber, or other materials as may be necessary or requisite for making, repairing or maintaining such roads, tramways, railways, telephone and telegraph lines, electric cables and pipe lines, or for any other purpose, and to pass and repass over and along the said lands and such roads, tramways, railways, and pipe lines for all purposes as occasion shall require, and subject to such abatement of rent or payment of compensation as may, in default of agreement, be determined by arbitration in the manner prescribed.

c) an obligation on the part of the holder, licensee or lessee to indemnify or keep indemnified the High Commissioner and every Officer of the Government against all actions, claims and demands whatsoever which may be made or brought by any persons in respect of any damage or injury which may be done to their property by such holder, licensee or lessee in the exercise of the powers conferred on him by his permit, licence, right or lease and against all costs and expenses relating thereto.

Limits of rights
to minerals

7. The rights to minerals in respect of any area of land shall be limited to the minerals within the vertical boundaries of such area and shall not extend to any continuation of mineral, lodes, veins, reefs or beds beyond such boundaries, provided that the right to take mineral oil, pitch or asphalt shall not be affected by the fact that such material flows into the area from outside its limits, and provided further that no bore hole for mineral oil or natural gas shall be drilled within 30 metres of the boundaries of the surface area leased.

Mining to be
deemed a public
purpose

8. Mining shall be deemed a public purpose within the meaning of any Law or Ordinance relative to the expropriation of land for public purposes.

PART — II.

PROSPECTING AND EXPLORING.

A. Prospecting Permits.

Prospecting
permits

9. (1) The Controller may grant a prospecting permit to any person making application in the manner prescribed and on payment of the prescribed fees; provided that a permit shall not be granted

- a) to any person who is unable to read; nor
- b) to any person who is under eighteen years of age; nor
- c) except with the consent of the High Commissioner, to any person who, has been convicted of an offence under this Ordinance, or who has previously held any permit, licence, right or lease granted under this Ordinance which has been forfeited by reason of a breach of the terms or conditions thereof; nor
- d) To any person who is unable to give satisfactory proof that he possesses sufficient money or credit to enable him to pay the travelling and prospecting expenses which may be incurred and any compensation which may be payable by him in the exercise of the powers conferred by a prospecting permit.

(2) A prospecting permit may be limited or unlimited both in regard to the area over which, and the minerals for which, the holder may prospect and shall not confer any exclusive right on the holder either in respect of the area comprised or of the mineral or minerals for which the holder may prospect in virtue of the permit.

(3) No prospecting permit shall confer on the holder the right to prospect for oil.

10. (1) A prospecting permit may be held by the holder for his own benefit or as agent for the benefit of his principal and shall not be transferable, and shall expire at the end of twelve months from the date of issue, subject to renewal at the discretion of the Controller, which shall not be unreasonably withheld in the manner and subject to the conditions prescribed.

Permit to be for the benefit either of the holder or his principal. The holder only to be entitled to prospect

(2) The holder only and not his principal may prospect in virtue of a prospecting permit.

(3) A prospecting permit granted to a person in the employ of another person for the benefit of, and paid for by the employer shall, on request being made by the employer, be granted subject to the condition that the permit shall forthwith expire on the holder leaving the service of such employer. Such condition shall be endorsed on the permit and in every such case the employer and the holder of the permit shall be jointly and severally liable for the payment of any monies which the holder of the permit may be required to make under this Ordinance.

11. The holder of a prospecting permit may:

Rights of holder

(a) Enter upon any land comprised in his permit not being excluded land for the purpose of ascertaining the presence or absence of minerals thereon, and

(b) For the purpose of such prospecting, dig trenches and generally make necessary excavations which shall not, except with the special permission of the Controller, exceed two metres in depth, and sink shafts, with the like permission, to a depth not exceeding 10 metres; but shall not drill or take any other steps which may have the object or direct result of minerals being won.

B. Exploration Permits

12. (1) The Controller may grant an exploration permit to any person making application in the manner prescribed and producing satisfactory evidence that he possesses or commands

Grant of exploration permit

sufficient working capital and technical knowledge or assistance to ensure proper and adequate exploration, and on payment of the fees prescribed, over an area within the maximum prescribed, upon the terms that the holder undertakes to carry out a geological and mineral survey of the area and otherwise explore the same in accordance with the provisions of this Ordinance, within the term prescribed.

(2) In consideration of this undertaking, the holder shall have the exclusive right to explore the area comprised in his permit and shall further, subject to Sections 5, 15 (1) and 16 (2), have the preferential and exclusive right to obtain a prospecting or prospecting oil licence over a portion or portions selected by him not exceeding in the aggregate the following percentages of the area explored by him to the satisfaction of the Controller:—

4 % if he applies for a prospecting oil licence.

1 % if he applies for a prospecting licence in respect of non-precious minerals other than oil.

$\frac{1}{2}$ % if he applies for a prospecting licence in respect of precious minerals.

The portions selected shall be rectangular in shape but there shall be no restrictions on the number of such portions save that the total perimeter of all the portions selected shall not exceed twice the perimeter of a square of the same superficial area as these portions.

Duties of holder
of exploration
permit

13. (1) The holder of an exploration permit shall employ competent geological surveyors and other experts to be approved by the Controller who shall carry out the survey in accordance with the general directions issued from time to time by the Controller and shall survey the rocks, minerals, soil and water-supply thereof to the satisfaction of the Controller and shall supply him from time to time with such reports, information, maps, plans, diagrams, particulars, specimens, samples, analyses and assays as he shall deem requisite.

Right of the
Government to
publish informa-
tion

(2) The Government shall receive copies of all reports, information, maps, plans, diagrams and particulars, analyses and assays, together with duplicates of specimens and samples relevant thereto, and shall be entitled to publish or otherwise deal with any information derived therefrom as it shall think fit, either after three years from the receipt thereof, or as soon as the holder of the exploration permit has been granted a prospecting or prospecting oil licence to which he is entitled under the provisions of Section 12 (2) or Section 15 (1), whichever be the earlier dates.

(3) If the holder shall fail to comply with the provisions of Sub-section (1) of this Section he shall not be entitled to obtain any prospecting or prospecting oil licence in respect of any land comprised in his exploration permit without prejudice to the right of the Controller to bring any action for the recovery of any matter or thing deemed to be the property of the Government under Sub-section (2) of this Section.

Penalty for failure to make return

(4) The holder may surrender a permit by notice in writing to the Controller and payment of the prescribed fee.

Surrender

14. If the Controller shall at any time be of opinion that the holder of the permit is not prosecuting the survey with reasonable diligence, skill and exactness in accordance with the provisions of this Ordinance and the requirements of the Controller, it shall be lawful for the Controller to cancel the permit so far as regards the whole or part of the area comprised therein without giving the holder of the permit any compensation for the work he has carried out or the expenditure he has incurred.

Cancellation of permit

15. (1) If and when the Controller shall certify that the survey of any area forming the whole or part of the area comprised in the permit has been completed to his satisfaction, the holder shall within three calendar months select a portion or portions thereof not being within an area excluded under Section 5 and not exceeding the percentages prescribed in Section 12 in respect of which he desires to obtain a prospecting or prospecting oil licence, and subject thereto, the permit shall thereupon be deemed to have expired in respect of the area so certified.

Privilege of holder to obtain prospecting or other mining rights in respect of a portion of area explored on certificate from controller

(2) Prospecting or prospecting oil licences granted under Sections 12 to 15, shall except as provided in those Sections be subject to the provisions of Sections 16 to 27 respectively.

C. Prospecting Licences (other than prospecting oil licences).

16. (1) Any person who holds directly or through his agent a prospecting or exploration permit may on paying the prescribed fees apply in the manner prescribed for a prospecting licence which shall confer upon him the exclusive right to prospect the area mentioned in the licence during a period not exceeding the maximum prescribed for such mineral or minerals (other than oil) as shall be stated in the licence.

Prospecting licences — to whom granted

(2) Subject to the provisions of Sections 12 to 15 the Controller may grant such application; provided that no application shall be granted unless the applicant

a) shall produce satisfactory evidence that the mineral or minerals for which application is made exist in the area in respect of which application is made, and

b) shall have beaconed such area in the prescribed manner prior to his application;

c) shall satisfy the Controller that he possesses or commands sufficient working capital and technical knowledge or assistance to ensure proper and adequate prospecting.

Person may
hold more than
one prospecting
licence

17. The Controller may in his absolute discretion grant one or more licences to the same person including a person entitled to or holding a licence under Section 12 hereof; provided that the Controller shall not grant a prospecting licence to a person who does not hold directly or through his agent a prospecting or exploration permit in respect of each area for which application for a licence is made.

Duty to prospect
with due skill
and diligence

18. (1) There shall be imposed upon the holder of a prospecting licence the duty of prospecting the area mentioned in the licence with due skill and diligence either by himself or his agent.

(2) Failure to exercise due skill or due diligence shall be a ground for cancellation of the licence by the Controller.

Form of licence
and area to be
comprised
therein

19. (1) The licence shall be in the form prescribed.

(2) The area comprised in a prospecting licence shall not exceed the maximum prescribed and shall be of the form prescribed.

(3) The holder of a prospecting licence shall beacon off in the manner prescribed the area for which the licence is granted.

Rights under
prospecting
licence

20. (1) The holder of a prospecting licence shall have the exclusive right of prospecting upon the lands within the area of his prospecting licence, and for such purpose may: -

a) Enter upon the lands within such area with his agents and workmen and thereupon exercise all or any of the rights conferred upon the holder of a prospecting permit and may in addition put down such borings and carry out such excavations and other works as may be necessary or desirable to determine whether the area contains the minerals referred to in the licence in payable quantities.

b) Employ in prospecting on such land any number of persons who for the purpose of such prospecting shall not be required to hold prospecting permits, and

c) On and over unoccupied land within the area of his licence erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with his prospecting operations.

(2) The holder of a prospecting licence shall not transfer his licence or any of the rights granted thereunder without the consent of the Controller signified by an endorsement thereon.

(3) The transferee of a licence shall be liable for all obligations of the transferor which may have accrued at the time of the transfer.

D. Prospecting Oil Licences.

21. The Controller may grant to any person a prospecting oil licence, provided that he shall not grant such a licence to any person unless a satisfactory geological survey of the area in question has been made by a holder of an exploration permit or otherwise.

Survey an essential preliminary to a prospecting oil licence

22. (1) The licence shall be in the form prescribed and shall be granted for a period of one year subject to renewal at the discretion of the Controller which shall not be unreasonably withheld, in the manner and subject to the conditions prescribed.

Form and duration of licence

(2) Subject to the provisions of this Ordinance the holder of every prospecting oil licence shall have the following rights which shall be exclusive :-

Special right and obligations of the holder

a) The right to enter upon the lands named in his licence for himself, his agents or workmen.

b) The right to drill for and work mineral oil in the prescribed manner on any such lands, provided the plans and programme of such work are first submitted and passed as satisfactory by the Controller.

c) The right to erect and maintain on unoccupied land within the area of his licence such machinery and plant, and construct such ways as may be necessary for or in connection with his prospecting operations.

(3) The holder of a prospecting oil licence shall not transfer his licence or any of the rights thereunder without the consent of the Controller.

(4) Failure to exercise due skill or due diligence shall be a ground for cancellation of a licence by the Controller.

(5) The area of the land comprised in a prospecting licence shall not exceed the maximum prescribed and shall be of the form prescribed.

E. Right of appeal.

Appeal from Controller

23. (1) Any person aggrieved by the refusal of the Controller to grant a permit or licence or a renewal thereof, or to consent to its transfer, or by the decision of the Controller to cancel a permit or licence under this part of the Ordinance, may in the manner prescribed appeal to the High Commissioner whose decision shall be final.

Procedure of Appeal

(2) Whenever a right of appeal is provided under this Ordinance the person aggrieved by the decision of the Controller may require the Controller to state the grounds of the decision in writing and may lodge an appeal in writing to the High Commissioner within 15 days of being furnished with the grounds of the decision. A decision on appeal may be given on the documents or after hearing the appellant and other persons. The High Commissioner may refer the appeal for hearing or for report to the Attorney General.

F. Miscellaneous.

Implied rights and obligations of holders of permits and licences

24. There shall be implied in favour of the holder of a prospecting or exploration permit and of a prospecting or prospecting oil licence, the following general rights in addition to the rights specifically conferred upon him by or under this Ordinance when he is bona fide employed in prospecting or exploring as the case may be:—

a) to graze, free of charge, upon any uncultivated public land in the vicinity of his operations and not excluded from prospecting or exploration under Section 5, and not being land in respect of which any other person holds an exploration permit, a prospecting or prospecting oil licence, mining right or mining lease, not more than twenty riding or transport animals free from contagious or infectious disease: provided that he shall not introduce or take any horned cattle, or entire male herbivorous animals of any description upon uncultivated occupied public land without the consent of the occupier.

b) to procure and use for his domestic use fuel and water on any public land not

(i) excluded from prospecting, exploration or mining, or.

(ii) within the operation of any proclamation or notification prohibiting the cutting or removal of fuel or water therefrom.

c) with the consent of the owner of land not excluded as aforesaid or on tendering to him a reasonable sum in payment, to take for his domestic use water from any lake, river or stream and any fuel other than standing timber.

d) to erect and remove tents, temporary shelters or buildings for the purpose of the protection and comfort of himself and his employees or servants;

Provided that this right shall not be deemed to confer any right, title, or interest in any land upon which such buildings may have been erected; and provided further that this right shall not exist in respect of land in private occupation save with the consent of the owner and of the occupier if such there be; and that this right shall involve the duty of removing such temporary erections on the termination of the purpose for which they were erected if requested so to do by the owner or occupier.

25. (1) Minerals raised or obtained in the course of prospecting or exploration under a prospecting or exploration permit or a prospecting or prospecting oil licence shall be the property of the Government of Palestine and shall not be removed from the land or disposed of by the holder of the permit or licence or by any other person except with the consent of the Controller. But nothing herein contained shall be construed to prohibit any such holder from removing from time to time samples of such minerals sufficient in quantity to enable the same to be tested and analysed and experiments to be made for the purpose of ascertaining the contents and the commercial value thereof.

Disposal of
minerals raised

(2) If the holder of a prospecting or prospecting oil licence shall desire to retain or dispose of any minerals raised or obtained in the course of prospecting he shall make application to the Controller in the prescribed manner, and if the Controller is satisfied that the prospector has been conducting such work only as is reasonably necessary to enable him to test the mineral bearing qualities of the land, he may authorise the applicant to retain and dispose of the minerals in respect of which application is made on payment of the prescribed royalties.

(3) The Controller may authorise the removal of minerals from the land from which they have been obtained to any place approved by him for safe custody, subject to such conditions, if any, as he may impose.

Abandonment

26. (1) The holder of a prospecting or exploration permit or of a prospecting or prospecting oil licence may on giving notice in the manner prescribed abandon his prospecting or exploration area.

(2) On abandoning his prospecting or exploration area he shall securely and to the satisfaction of the Controller fence or fill in all shafts, pits, holes and excavations.

(3) any person who shall have failed to comply with the provisions of this Section shall be liable to pay to the Controller, if such works shall have been situate on public land, or to the owner or occupier of the surface if such works shall have been situate on the land of any such owner or occupier, such sums as the Controller or other prescribed officer shall certify to be the cost of filling up, fencing or securing all such shafts, pits, holes or excavations.

(4) On abandonment, all beacons and notice boards shall be removed.

**Holder of permit
or licence to
make reports**

27. Every person who holds a prospecting permit or a prospecting or prospecting oil licence shall if prospecting thereunder make such reports to the Controller on the minerals or rocks examined by him and the works and operations carried out by him and shall furnish such other information and such specimens as the Controller may require. Information so furnished shall be deemed to be confidential and shall not be published by the Government without the consent of the holder of the permit or licence.

PART — III.

DISCOVERY.

28. (1) Every holder of a prospecting or prospecting oil licence who discovers minerals in apparently payable quantities shall erect a beacon at the place of discovery in the prescribed manner and shall forthwith notify the Controller of the discovery in the manner prescribed. On receiving notification of discovery the Controller shall cause enquiries to be made into the nature of the discovery, and if satisfied that minerals exist in payable quantities shall issue to the person who has made the discovery, his successors and assigns a certificate of discovery in the form prescribed,

Discovery

(2) The onus of proof that the minerals exist in payable quantities shall rest with the person who so alleges.

Onus of proof
that minerals
exist in payable
Quantities

29. (1) In all cases where a certificate of discovery of minerals has been issued, the holder of the certificate shall have the right to the grant of a mining right, mining or mining oil lease, in the manner, to the extent, and subject to the limitations hereafter provided, and such a right or lease shall be granted by the High Commissioner, subject to the provisions of this Ordinance.

Rights of the
holder of a
certificate of
discovery

(2) The holder shall have a period of one year from the date of the grant of a certificate of discovery in which to apply for a mining right or mining or mining oil lease in respect of the mineral or minerals mentioned in the certificate of discovery over an area not exceeding the maxima prescribed for such rights or leases. Such area shall be selected by the holder as soon as practicable after the grant of the certificate of discovery and shall be demarcated by him in the manner prescribed.

(3) For one year after the date of the certificate of discovery, no mining right or mining or mining oil lease shall be granted to any person other than the holder of the certificate of discovery in respect of the area demarcated as provided in the preceding sub-Section, unless within the said period the holder shall in writing waive his right to apply for a right or lease over the area in question, or fail to satisfy the High Commissioner as provided in Section 33 hereof.

(4) A mining right or mining or mining oil lease shall be granted to the holder of the certificate of discovery on application being made within the said period of one year,

provided that the holder produces evidence to the satisfaction of the Controller that he possesses or commands sufficient working capital and technical knowledge or assistance to ensure proper and adequate development of the mineral resources of the area in question.

PART IV.

A. MINING LEASES AND MINING RIGHTS—GENERAL

The right to mine how conferred

30. (1) The right to mine may be conferred either by the grant of a mining right or by the grant of a mining or mining oil lease.

(2) The Controller shall decide whether in the circumstances of the case it is desirable that mining shall be carried on in virtue of a mining right or a mining lease.

Form of application right and lease

31. (1) Application for a mining right or a mining or mining oil lease shall be made in the manner prescribed, and every right or lease shall be in the form prescribed.

(2) Every right or lease shall be granted by the High Commissioner or an officer delegated by him.

Power of High Commissioner to offer and grant rights and leases subject to rights of holder of certificate of discovery.

32. Subject to the provisions of Section 29, the High Commissioner may offer or grant in such manner as he may think fit mining rights or mining or mining oil leases in respect of:—

a) Any area in respect of which a notice prohibiting prospecting has been issued.

b) Any area not included in the area of a prospecting licence or prospecting oil licence then in force in which minerals in apparently payable quantities have been discovered or are known to exist if no application for a mining lease in respect of such area has been made by a person to whom the lease could be granted under Section 29.

c) Any area in respect of which an application for a mining right or mining or mining oil lease has been made if the application has been refused or withdrawn.

d) Any area in respect of which a mining right or mining or mining oil lease has been forfeited or surrendered or has expired.

33. (1) The High Commissioner may require an applicant for a mining right or mining or mining oil lease, whether he be the holder of a certificate of discovery or not, to show to his satisfaction that he possesses or commands sufficient working capital and technical knowledge or assistance to ensure the proper development and working of mining operations in the area for which application is made.

Applicant must show sufficient capital and technical ability

(2) If the applicant fails to satisfy the High Commissioner in this respect the High Commissioner may refuse his application, or grant it for such lesser area as he thinks fit.

34. A mining right or mining or mining oil lease shall not be granted to any person who is not the holder of a certificate of discovery in respect of the land and minerals for which the application is made for a right or lease, provided that if within the period stated in Section 29 the holder of such certificate shall not apply for a right or lease, or if it be decided not to grant to such holder a right or lease over the whole area or over any part thereof for the reasons stated in Section 29 (4) the High Commissioner may grant a mining right or mining or mining oil lease in respect of such area under Section 32 (b) or (c).

To whom a mining lease may be granted

35. (1) If any part of the land in respect of which application for a mining right or mining or mining oil lease is made is mulk land or true wakf, such right or mining lease shall not be granted in respect of such part save with the consent of the owner in regard to Mulk land, or the competent authority in regard to true wakf;

Protection of Mulk land, true wakf and the surface of land lawfully occupied

(2) Provided that, if consent be withheld and if in the opinion of the High Commissioner it is in the public interest that mining should proceed, the High Commissioner may grant such right or lease as though consent had not been withheld. The person or authority whose consent is dispensed with shall have a right to compensation payable by the holder of the mining right or the mining lease and assessed on the basis of indemnity for the damage caused. The amount of such compensation shall, in default of agreement, be determined by arbitration in manner prescribed. Provided further that four fifths of the royalty other than any additional royalty payable under the following Section in respect of the minerals won or raised from land being Mulk or true wakf shall be paid to the owner of such land or the competent authority as the case may be.

36. If a mining right or mining or mining oil lease is granted to any person other than a person who is the holder of a certificate of discovery, the High Commissioner shall be at liberty to impose such further royalties as he may, in his discretion, consider to be just in the circumstances, and to pay thereout such sum as he thinks fit to the holder of the certificate of discovery.

Additional royalties may be imposed for the benefit of holder of certificate of discovery when lease is not granted to him

(B) Mining Rights.

Rights and obligations of the holder of a mining right

37. (1) The area to be comprised in a mining right shall not exceed the maximum prescribed, and the right shall only be granted on payment of the prescribed fees. It shall remain in force for one year, but may be renewed by the High Commissioner for successive periods of one year, and shall confer upon the holder thereof the right to enter upon the lands in respect of which the mining right is granted, and the exclusive right to mine thereon for the alluvial minerals specified in the right and to take and dispose of any such minerals obtained, subject to the payment of the prescribed surface rent and royalties.

(2) No mining right shall be granted save in respect of alluvial minerals.

(3) The holder of a mining right may exercise as far as is necessary to conduct the alluvial mining described in his permit, all or any of the rights conferred by Section 39 (2) on the holder of a mining lease, subject to the like conditions.

C. Mining Leases (Other than Mining Oil Leases).

Mining leases other than mining oil leases

38. (1) A mining lease may be granted on payment of the prescribed fees over an area within the maximum prescribed, or in the case of a grant to the holder of an exploration permit within the maximum mentioned in Section 12. It shall be for a period not exceeding 30 years. Provided always that as long as minerals are produced in payable quantities the lessee shall have a preferential right to renewal of his lease on fair and proper terms. It shall operate as a grant of the mines and minerals in the area leased, and it shall confer upon the lessee the right to occupy the surface and subsoil of such area as may be defined in the lease for the purpose of shafts, adits, surface works, plant and stores reasonably necessary to mine the area leased, together with the right to call for a surface lease over a further area, if necessary for the depositing or treatment of the mineral or minerals mined or waste raised or removed in the course of mining.

(2) Mining leases shall be of such kinds and shall be granted subject to such covenants and conditions, and in respect of such areas as may be prescribed by the High Commissioner, provided that a mining lease under this part of the Ordinance shall not be granted in respect of oil.

(3) The total area for which leases shall be granted to any one company or shall be held by a group of associated

companies shall not exceed twice the maximum area obtainable under an exploration permit.

39. (1) A mining lease shall confer upon the lessee the right to enter upon the lands the subject of the lease, and subject to the prescribed conditions the exclusive right to mine and to remove and dispose of the minerals specified in the lease on payment of the prescribed surface rent and royalties.

Rights of a
mining lessee

(2) In so far as it may be necessary to the lessee for or in connection with his mining operations and subject to the prescribed conditions, the lessee shall have on the lands included in his mining lease the following rights: —

(a) To make all necessary shafts.

(b) To erect, construct, maintain houses and buildings for his use and for the use of his agents, workmen and other employees.

(c) To erect, construct and maintain such engines, machinery, buildings and workshops and other erections as may be necessary or convenient.

(d) To deposit rubbish produced in mining.

(e) Subject to the provisions of Part VI to lay water pipes and to make water courses and ponds, and reservoirs.

(f) To construct and maintain all such tramways, road communications and conveniences as may be necessary.

(3) The lessee shall pay rent (hereinafter called surface rent) at such rate per annum as shall be determined by the High Commissioner for all land occupied or used by him for any of the purposes mentioned in the preceding paragraphs or otherwise for or in connection with his mining operations.

(D) Mining Oil Leases.

40. (1) The right to mine oil shall be conferred by the grant of a mining oil lease. A mining oil lease may be granted, subject to the provision of Section 38 (3), over an area within the maximum prescribed and shall be for a period not exceeding thirty years; Provided always that as long as oil may be produced in payable quantities the lessee shall have a preferential right to the renewal of this lease on fair and proper terms.

Mining oil
leases

(2) Application for a mining oil lease shall be made in the manner prescribed and shall be in the form prescribed.

(3) Prior to the grant of the lease such fees as may be prescribed shall be paid.

(4) There shall be payable during the term of a mining oil lease the prescribed fees, rents and royalties.

Rights of the
lessee of a
mining oil lease

41. A mining oil lease shall confer on the lessee the right to enter upon the lands the subject of the lease, and subject to the provisions of this Ordinance and the Regulations made thereunder the exclusive right: -

(a) To bore, dig, sink, drive, make, repair and use all such boreholes, pits, shafts, drifts, levels, excavations, water ways and other works, as may be necessary or proper for the purpose of searching for and winning oil, subject to such regulations and general directions limiting the number and depth of oil and gas wells as may be prescribed from time to time with a view to due conservation and control of the oil resources of the country.

(b) Subject to the provisions of Part VI, to appropriate and use for any purpose connected with the borings or works referred to in the preceding paragraph the water under any of the said lands which may be made available by such operations and to bore for such water and to collect and impound same for the purpose of such operations.

(c) To enter upon, use and occupy a sufficient part of the said lands adjoining any borings for depositing thereon the products of the said borings and all the earth, soil and other substances brought to the surface and for otherwise carrying on the works of the said borings.

(d) To refine oil in and on upon the said lands whether for the purpose of sale or otherwise save as hereinafter provided.

(e) To store, take, lead, pipe and carry away, on under or over the said land the crude, oil and refined products, and to dispose of the same subject to such conditions as may be prescribed.

(f) To erect, set up and make in upon and over the said lands houses for his agents, workmen and other employees, sheds, engines, machinery, furnaces, buildings, erections, pipelines, tramroads, and other roads and works necessary and convenient for the effectual working of the said borings, diggings, or works connected therewith.

(E) Surface Leases.

42. The holder of a mining or mineral oil lease who desires for mining purposes to obtain the lease of the surface of an area in excess of the area comprised in his lease shall apply to the Controller for a lease of the surface; and the High Commissioner shall in his discretion grant such a lease as seems to him to be required on payment by the applicant of the fees prescribed and of a fair rent as compensation. A lease so granted shall confer on the lessee the right to occupy the surface for the purpose of his mining enterprise for a period equal to the unexpired portion of his mining lease. Such lease may be renewed for the same period as the applicant's mining lease may be renewed.

Leases of further surface areas

43. (1) In any case in which land owned or lawfully occupied by an authority or person other than the Government of Palestine ought in the opinion of the Controller to be used for the purpose of a mining enterprise, comprised in a mining or mining oil lease or lease of the surface, or is land required for a mining purpose, and the owner or occupier of the land or either of them refuses to sell such land or refuses to grant such a lease or will only sell or grant such a lease on terms which in the opinion of the Controller are unreasonable, the High Commissioner may expropriate such land on behalf of the mining lessee in a case in which the mining purpose will permanently prevent the restoration of the surface to the condition at which it was at the time when it was required for the mining purpose, on payment by the lessee of such price as may be determined, in default of agreement, by arbitration in manner prescribed; and in a case in which the mining purpose is not such as will permanently prevent such restoration of the surface, grant a lease of such land without the consent of the owner or occupiers thereof or either of them, subject to the payment by the lessee of such rent as may be determined in default of agreement by arbitration in manner prescribed.

Compulsory acquisition of private owned surface rights

Provided always that in exercising the said powers or any of them for any mining purpose the High Commissioner may require that the use and benefit of works constructed in pursuance of a mining purpose be made available, on such terms as may be determined in default of agreement by arbitration, to the holders of mining or mining oil leases other than the holder who acquires the surface rights under this Section for the purpose aforesaid.

(2) Such expropriation or lease shall be of the surface only and in the case of a lease shall authorise the use of the land for the mining purposes specified therein but shall not authorise prospecting or mining on the land or the removal of any minerals therefrom.

F. Miscellaneous.

Surveys

44. Before granting a prospecting licence or prospecting oil license or mining right or mining or mining oil or surface lease the Controller shall require the area of the land to be included in such licence right or lease to be surveyed by a Government Surveyor; and the cost of such survey shall be paid by the person applying for the licence right or lease in accordance with the prescribed scale; provided that the Controller if he thinks fit may accept a survey by a licensed Surveyor at the cost of the applicant in which case four certified copies of such plan shall be supplied to the Controller free of cost.

Overlapping
areas

45. In the event of any areas the subject of any licences, rights or leases under this Ordinance being found to overlap, the land in dispute shall be considered to be within the area of the licence, right or lease first granted, and no compensation shall be allowed in respect thereof to the holder of the right or licence or the lessee of the lease subsequently granted, but a reduction in rent thereafter shall be allowed in proportion to the reduction of the area of such licence, right or lease;

Provided that if any licence, right or lease shall have been granted in ignorance of the prior claims of any other person, or if for any other reason it shall appear to the High Commissioner that the grant of any licence, right or lease was inequitable, having regard to the prospecting or mining operations being conducted by any other person, the High Commissioner may, by notice served on the holder of the right or licence or the lessee determine such licence, right or lease either as to the whole or any portion of the land included therein at any time within three months of the grant of the same.

Holders of rights
and leases to
furnish half-
yearly reports

46. Every holder of a mining right or mining or mining oil lease shall halfyearly, in the months of January and July, furnish to the Controller a full and true return, showing the quantity and value of mineral substances won or raised during the preceding half year. If such holder or person is a public company such return shall be furnished by the manager or person acting in the management or by the Secretary of the Company; and the said manager, person or Secretary shall on default be liable to the prescribed penalty.

Payment of
royalties, etc.

47. (1) Royalties due under this Ordinance shall be payable to the Controller half yearly in arrear.

(2) Rents in respect of mining rights and mining and mining oil leases shall be paid to the Controller annually in advance.

(3) Surface rents under surface leases shall be payable half-yearly in arrear to the Controller.

48. The rent reserved by any mining right or mining or mining oil or surface lease may be recovered by or under the authority of the Controller, in like manner as rent is or shall be recoverable by law by a private lessor.

Rent how recoverable

49. If the rent or any other sum payable under a mining right or mining or mining oil lease or a surface lease is not paid on or before the due date of payment the amount due shall be increased by five per cent, and if the said rent or sum be not paid together with such penalty within one month from the due date of payment a further and additional penalty of ten per cent on the sum due exclusive of the penalty of five per cent shall be added; and if the said rent or other sums together with such penalties be not paid within one month after such first month the Director may recover the same by action in his own name in any Court of competent jurisdiction.

Penalties on the non-payment of rent

50. (1) The holder of a mining right or mining or surface lease may, with the consent of the High Commissioner and subject to the Regulations made under this Ordinance and the rights of persons claiming from or under the holder, surrender any such rights or lease.

Surrender of rights in lease

(2) Any such surrender shall not relieve the person surrendering from the liability to perform the duties imposed upon him and due to be performed at or before the date of surrender.

51. (1) When any rent or royalty is unpaid for more than six months after the day on which it is payable the High Commissioner may forfeit the right or lease as the case may be, and shall thereupon insert a notice in the Gazette declaring such right or lease to be forfeited.

Forfeiture of right or lease

(2) Where there has been a breach of any of the covenants or conditions contained in any right or lease other than the covenant to pay rent or royalty and the covenants regarding labour conditions, the Director shall give written notice to the person in default specifying the covenants or conditions so broken and requiring him to remedy such breach within a period specified. Failure to comply with such notice on or before the expiration of such period shall render the right or lease liable to forfeiture by the High Commissioner.

(3) Where the holder of any mining right or lease knowingly permits or carries out practices or operations in con-

nection with a mine wastefully affecting minerals, whether such minerals are included in his right or lease or are excluded, the right or lease shall be liable to forfeiture by the High Commissioner.

(4) If the High Commissioner shall forfeit such right or lease a notice shall thereupon be inserted in the Gazette declaring such right or lease to be forfeited, and such notice shall be conclusive evidence that the right or lease therein mentioned was legally forfeited, and the land and minerals included therein may be dealt with as if such lease had never been granted.

Extension after
breach

52. Where a mining right or mining oil lease or surface lease is liable to forfeiture, the High Commissioner may in his discretion extend the period during which the person in default may perform the conditions of his right or lease, for such time and subject to such terms and conditions as he may think fit; and the terms and conditions so imposed by the High Commissioner shall bind such persons and all transferees, mortgagees, assignees and other persons claiming through or under him, and the right or lease shall thereafter be construed as if such terms and conditions were inserted therein.

Fencing and
filling in

53. The holder of a right or lease may be required on surrender or forfeiture to fence or safeguard to the satisfaction of the Controller any pits, shafts or open working and surface work in or on the area the subject of the mining interest surrendered or forfeited, so that the safety of persons and domestic animals may not be endangered.

Removal of
surface works

54. (1) The holder of a forfeited right and the lessee of a surrendered or forfeited lease shall within three months or such further period as the Controller may in writing allow remove surface works, erections, plant, machinery or other mining appliances on the area the subject of the mining interest surrendered or forfeited; Provided that on a surrender the Director may serve the person surrendering with a notice requiring him to sell to the Government of Palestine such works, erections, plant, machinery or other mining appliances as may be specified in the notice at a price to be agreed or in default of agreement to be determined by arbitration in manner prescribed. From the date of the service of such a notice the said works, erections, plant, machinery or other mining appliances shall be deemed to be the property of the Government.

(2) On any such surrender or forfeiture, the holder or lessee shall not interfere with, remove or destroy safety pillars or the timbering, floors, sides, roofs of underground roadways,

haulage roads or working places of the shafts or adits of the mine save for the purpose of rendering the same safe as provided in Section 53.

(3) If the owner of any plant, machinery, engines, or tools on land comprised in any forfeited right or forfeited or surrendered lease which the Government shall not have purchased under subsection 1 of this Section shall not within the period prescribed in that paragraph have removed such plant, machinery, engines or tools, they may be sold by auction by order of the Director at the risk of the owner. The proceeds of such sales less expenses shall be paid into the Treasury and held until applied for by the owner of the plant or other property so sold.

55. The High Commissioner may upon such terms as he may think fit at any time before breach thereof suspend or wholly or partially remit or vary all or any of the covenants and conditions contained in any mining right, mining or mining oil lease or surface lease, including any condition imposing any limitations on the minerals which may be mined under such right or lease, in any case where he is satisfied that by reason of special circumstances it would be impossible to comply with such covenants or conditions, or would inflict great hardship upon the holder of the right or the lessee, as the case may be, to enforce them.

High Commis-
sioner may
remit covenants

56. No person under the age of twenty-one years shall hold directly or indirectly a mining right, mining or mining oil lease or surface lease except in a representative capacity.

Persons under
21 not to hold
mining lease,
etc.

PART V.

Inspection of Mines.

57. (1) An officer duly authorised by the Controller in that behalf at all reasonable times by day or night, but so as not unreasonably to impede or obstruct the working of the mine, may;

Powers of
Officers

(a) Enter, inspect and examine any place or works occupied or used in connection with mining;

(b) Examine into and make inquiry respecting the condition and ventilation of mines and all matters relating to the

safety and health of the persons employed on the mining operations therein ;

(c) Inspect and examine the state of the external parts of the machinery used upon or in the mine and the state of all plant, works and ways :

(d) Inspect the storage of explosives upon any mine and direct in what manner the same shall be stored and used ;

(e) Inspect and take copies of or extracts from any books, accounts, papers, plans and documents dealing with the operations of the holder of any mining right, or the lessee of any mining or mining oil lease ;

(f) Exercise all powers necessary for carrying this part of the Ordinance into effect.

(2) Such officer shall, in case he finds any mine or any part thereof or any matter, thing or practice therein or connected therewith, to be defective, give notice in writing to the owner, agent, or manager of the mine stating the particulars in which he considers such mine or any part thereof, or any matter, thing or practice, to be defective, and requiring the same to be remedied. A practice shall be deemed to be defective if it is wasteful of the mineral resources.

Proceedings on
objection to
comply with
notice

58. If the owner, agent, or manager of the mine objects to remedy the matter specified in any notice under the last preceding article, he may, within twenty one days after the receipt thereof send to the Controller his objections in writing stating the grounds thereof, and thereupon the matter shall be submitted to and determined by the Controller or by such officer as he may appoint in that behalf.

Proceedings on
failure to
comply with
notice

59. If the owner, agent, or manager of the mine fail to comply with the notice or to object within the time aforesaid, or fail to comply with the decision of the Controller on his objection within twenty one days after the expiration of the time for objection or the decision (as the case may be) he shall be liable to the prescribed penalty.

Court may order
adjournment of
proceedings

60. If the Court is satisfied that the owner, agent, or manager has taken active measures for complying with the notice or decision of the Controller but has not been able with reasonable diligence to complete the work it may adjourn any proceedings in respect of such offence, and remit the penalty if the work is completed within such time as it may order.

61. No person shall be precluded or exempted by any agreement from doing such acts as may be necessary to comply with the provisions of Sections 57, 58 and 59 or be liable under any contract to any damages, penalty or forfeiture for doing such acts.

Agreement not to preclude or exempt

62. (1) Where in or about a mine whether above or below ground, loss of life, or serious personal injury occurs by reason of any accident whatever, the owner, agent or manager of the mine shall, within twenty-four hours next after the accident, send notice in writing of the accident, and of the loss of life or personal injury occasioned thereby, to the Controller or other prescribed officer, and shall specify in such notice the nature of the accident, and the number of persons killed and injured respectively.

Notice of accident to be given

(2) Where any personal injury of which notice is required to be sent under this Section results in the death of the person injured, notice in writing of the death shall be sent to the Controller within twenty four hours after such death comes to the knowledge of the owner, agent or manager.

(3) The Controller may direct an officer to make a special inquiry and report with respect to an accident in or about a mine causing loss of life or personal injury, and shall cause such report to be made public at such time and in such manner as he thinks expedient.

Special inquiry may be directed

63. All the provisions of this part shall apply to prospecting and exploring operations in the same manner as they are applicable to mining.

Provisions of part V to apply to prospecting and exploring

PART — VI.

WATER RIGHTS

64. No person shall in virtue of any permit, licence, right or lease granted under this Ordinance have any proprietary right in or be entitled to take or divert the water of any river, stream, lake, watercourse or water furrow contiguous to or running through any surface area comprised in such permit, licence, right or lease.

No proprietary right to water nor right to divert

Application for
a water right to
be made to the
Controller

65. Any person being the holder of a prospecting or prospecting oil licence, mining right or mining or mining oil lease who requires the use of water for the purpose of prospecting or mining or the treatment of minerals mined or for purposes directly connected therewith shall apply in the manner prescribed to the Controller for the grant of a water right except when the water is obtained from underground sources under the provisions of Sections 39 or 41 and when its use does not affect the supply of water in any river, stream, lake water course, water furrow, water hole or well.

Notice of appli-
cation to be
inserted in
Gazette

66. The Controller shall cause a notice to be inserted in the Gazette stating that an application has been received for the grant of a water right, the situation, extent, and nature thereof and indicating that such right may be granted within a month from the date of publication of the notice unless objection thereto is lodged with the Controller, and shall cause a copy of the said notice to be forwarded to any person whose private rights are believed to be affected.

Objection and
hearing of
objection

67. (1) Objection if any to the grant of a water right shall be made in the manner prescribed.

(2) If objection be made the Controller shall cause a day to be fixed for the hearing of such objection at such date, place and either by himself or by such person as he shall appoint; and the applicant, the persons who have lodged objections, and any officers of the Government of Palestine shall be entitled to be heard.

(3) Notes of the proceedings shall be kept, and the person hearing the objection shall have the power either (a) to grant the water right as applied for; or (b) to reduce the extent or vary the nature of the water right as applied for; or (c) to grant the water right as applied for, subject in each case to such compensation being paid by the applicant to the objector or objectors as he shall think fit; or (d) to refuse to grant the water right if he is of the opinion that such right is not necessary for the purposes of the mining undertaking, or that there are paramount public reasons requiring that the grant of a water right should be refused.

Appeal to the
Court of Appeal
from decisions
of persons
appointed

68. In all cases appeal from the decision of the person hearing the objection shall be to the Supreme Court as though it were an appeal from the decision of a District Court.

Form of grant
of water right

69. A grant of a water right shall be in the form prescribed.

Period of water
right

70. A water right shall not be granted for a period exceeding the unexpired term of the licence, right or lease held

by the person to whom or on behalf of whom the water right is granted but if such licence, right or lease be renewed such water right and the provisions thereof shall ipso facto be renewed also for the term for which such lieense, right or lease is renewed, and subject to such payment of further compensation as the Controller may determine. If a license right or lease is forfeited or surrendered, any water right granted in connection therewith shall terminate at the same time.

71. (1) If the Controller is of opinion that no sufficient use or an improper use is being made of the water right he may cause to be served a notice in the prescribed form on the holder of the water right calling upon him to show cause why the water right should not be forfeited.

Forfeiture of
water right

(2) Cause shall be shown either before the Controller or a person appointed by the Controller at a place and time appointed by him and the procedure shall be the same as in the case of the original hearing of an objection to the grant of water right.

(3) An appeal shall lie to the Supreme Court from such decision.

72. A water right may confer any or all of the following rights, and the nature of the right or rights conferred shall be stated in the grant;

Rights which
may be conferred by the
grant

(a) The right to abstract water to the extent stated in the water right from any river, stream, lake, water-course, water-hole, water furrow or well.

(b) The right to interfere whether by dams or diversion with the natural or normal flow of water along any river, stream, water-course or water furrow.

(c) The right to dig furrows or lay pipes for the conveyance of water from any river, stream, lake, water-course, or water furrow.

(d) The right to bore for water subject to such provisions as may be prescribed for the protection of the rights of any owner or occupier of the surface.

PART — VII.

TRANSFER, CHARGING AND SURRENDER.

Definition of mining interests for the purpose of this part of Ordinance

73. Mining interests within the meaning of this Part shall include the rights conferred by any permit, licence, right or lease, granted under or by virtue of this Ordinance

Transfer, charging and surrender of mining interests to be subject to certain consents and conditions

74. All mining interests shall subject to the provisions of this Ordinance be capable of being transferred, whether absolutely or by way of charge, or surrendered or amalgamated or otherwise dealt with in the same manner as other interests in land;

Provided that;

(a) no transfer shall be made without the approval of the Director and

(b) every transfer or surrender of a mining interest shall be published in the Gazette.

PART — VIII.

REGISTRATION

Registration

75. (1) Every prospecting or exploration permit, prospecting or prospecting oil licence, mining right, mining or mining oil or surface lease and water right granted under or by virtue of this Ordinance and every instrument by or under which the rights or any portion thereof granted by such permit, licence, right or lease shall be transferred or surrendered or amalgamated or otherwise dealt with shall be registered in appropriate books kept for the purpose by the Controller, and if not presented for registration to him within one month of the date thereof, or within such further time (if any) as the Controller may allow, shall be null and void

(2) The register in the Mines Branch shall be open to the public for inspection on payment of the prescribed fee.

(3) When any instrument is registered under this Section the person registering shall pay the prescribed fee and shall receive a certificate of registration in the prescribed form.

(4) Every instrument required to be registered in the Mines Branch shall be deemed to be an instrument the registration of which is compulsory under the Ordinance or Ordinances for the time being in force relative to the registration of instruments relating to transfer of land, and shall accordingly also be registered in the Land Registry.

PART — IX.

PENALTIES.

76. (1) Any person who without lawful cause:

General

(a) interferes with any prospecting exploration or mining operation authorised by or under this Ordinance; or

(b) obstructs any person in the exercise of any right conferred by or under this Ordinance or in the performance of any duty imposed by or under this Ordinance; or

(c) interferes with any beacon, notice board, machinery, plant, works, or property established on, in, under, or over any land in exercise of any right or in performance of any duty conferred or imposed by or under this Ordinance;

shall be liable to a fine of £E. 500 or to imprisonment for a period not exceeding one year or both; and any permit, licence, right or lease held by or granted to such person under this Ordinance may be cancelled by the Director if he shall consider that it should be cancelled and if, in the case of any permit, right, or lease other than a prospecting permit, the High Commissioner approves such cancellation.

(2) Any person who fails to comply with the Regulations made under this Ordinance or acts in contravention thereof shall, if no specific penalty is provided by this Ordinance, be liable to a fine not exceeding £E. 50 or to imprisonment for a period not exceeding 6 months.

77. Any person who explores, prospects, or mines contrary to the provisions of this Ordinance shall be guilty of an offence and shall be liable to pay a penalty not exceeding £E. 20 for every day on which he so explores, prospects or mines and to a fine not exceeding £E. 500 or to imprisonment for a period not exceeding one year.

Prospecting, exploring or mining contrary to provisions of this Ordinance to be an offence

Prospecting, exploring or mining on excluded lands to be an offence

78. Any person who prospects, explores, or mines on land contrary to the provisions of Section 5 shall be guilty of an offence and shall be liable to pay a fine not exceeding £E. 50 or to imprisonment for a period not exceeding six months, and may be required to pay the cost of remedying any damage done to the land.

Penalty for breach of Sections 25(i) and 46

79. Any person who fails to comply with the provisions of Section 25 (i) or Section 46 shall be deemed to have committed an offence and shall be liable to pay a fine not exceeding £E. 100 or to imprisonment for a period not exceeding 12 months

Penalty for breach of Section 26(2) and (4)

80. Any person who fails to comply with the provisions of Section 26 (2) and (4) shall be deemed to have committed an offence and be liable to a fine not exceeding £E. 25 or to imprisonment for a period not exceeding three months.

Penalty for failure to make reports or to notify discovery

81. Any person who fails to comply with the provisions of Section 27 or who shall fail to notify the Controller of a discovery as required by Section 28 shall be deemed to have committed an offence and shall be liable to pay a fine not exceeding £E. 25.

Removal of timber from abandoned mine an offence

82. Any person who removes or interferes with any timber in any temporarily or permanently abandoned mine shall be deemed to have committed an offence and be liable to a fine not exceeding £E. 500 or to a period of imprisonment not exceeding 12 months

Penalty for breach of Section 59

83. Any person who fails to comply with the provisions of Section 59 shall be deemed to have committed an offence and be liable to a fine not exceeding £E. 500.

Penalty for breach of Section 62

84. Any person who fails to comply with the provisions of Section 62 shall be deemed to have committed an offence and be liable to a fine not exceeding £E. 500.

Penalty for breach of Section 54

85. If any person fails to comply with the provisions of Section 54 (1) any property which is not removed within the period specified shall be confiscated by the Government of Palestine and shall be removed at the expense of the holder of the forfeited right or the lessee of the surrendered or forfeited lease. Any person who fails to comply with the provisions of Section 54 (2) shall be liable to a fine not exceeding £E. 1000 or to imprisonment for a period not exceeding 12 months.

Salting

86. Any person who shall place or deposit or be an accessory to the placing or depositing of any mineral or substance in any spot or place for the purpose of misleading

any person as to the mineral bearing qualities of any land, or shall tamper with any sample with the like object with the intent to mislead or defraud any person, shall be deemed to have committed an offence and shall be liable to a fine not exceeding £E. 500 or to imprisonment for a period not exceeding five years or to both; and on conviction all rights which are possessed by such person under this Ordinance shall be forfeited and the register of the Mines Branch shall be amended accordingly.

PART — X.

LEGAL PROCEEDINGS.

87. (1) The Controller may hear and determine, in a summary way and in accordance with the procedure prescribed, all suits concerning any rights claimed in, under, or in relation to any permit, licence, right or lease, or any advantage thereof or liability thereunder other than the liability to any penalty or suits concerning any contract in respect of such permit, licence, right or lease.

Jurisdiction of
Controller in
suits

(2) The Jurisdiction of the Controller shall extend to such suits where the litigants or one of them are holders of a permit, licence, right or lease, or are owners or occupiers of the surface of land comprised in any permit, licence, right or lease or persons deriving title through such persons.

88. The Controller may decide any such suit and any matter arising therein, in such manner as may be just, and may make and give all orders and directions necessary for enforcing his decision, and may award reasonable costs.

Power of
hearing

89. The order or decision of the Controller need not be formally drawn up, but the record in the book, which he is required to keep for the purpose shall be conclusive evidence of the order or decision and any person may obtain a copy of the record on payment of the prescribed fee.

Controller's
order need not
formally be
drawn up

90. The Controller, upon hearing a suit, may cause any minerals to be summarily seized and delivered to the person entitled thereto.

The Controller
may order
minerals, etc.
to be seized

91. There shall be an appeal to the Supreme Court from any determination in any suit by the Controller, or from any order of dismissal.

Appeal

**Jurisdiction of
ordinary Courts
not excluded**

92. Nothing in the preceding Sections contained shall be deemed to prevent any person authorised by the preceding Sections to bring suits before the Controller from bringing in any of the ordinary Courts of the land any suit which might be heard and determined by the Controller;

Provided that the Court before which any such suit as aforesaid may be brought, may, on the application of the defendant or if there be more defendants than one, on the application of any one or more of the defendants, and if satisfied that the suit could be properly and conveniently heard and determined by the Controller, direct that the suit be brought before the Controller.

PART — XI.

MISCELLANEOUS.

**Regulations, fees
and royalties**

93. (1) The High Commissioner in Council may from time to time make, and when made, vary and revoke Regulations for the purpose of carrying into effect the purposes of this Ordinance. Every such Regulation shall be published in the Gazette.

Provided that until varied or revoked by any such Regulations the Regulations contained in Schedules 1 and 2 to this Ordinance shall be in force.

(2) The said Regulations and any Regulations varying or revoking the same shall have the same force and effect for all purposes as if they were contained in this Ordinance; and the term "this Ordinance" shall be read and construed accordingly.

(3) The High Commissioner may in the like manner issue from time to time tables of fees and royalties payable under this Ordinance and may vary or revoke any such tables, provided that until varied or revoked the fees and royalties prescribed in Schedule 3 to this Ordinance shall be in force.

Traders licence

94 (1) No person shall purchase, trade in, or receive precious minerals unless he be the holder of a trader's licence in the form prescribed. Such licence may be granted or refused at the discretion of the Director.

(2) Every person so licenced shall keep proper accounts of transactions effected under or in virtue of or in connection with the said licence and if so required by the Director shall submit the same for inspection.

(3) The holder of a trader's licence shall not pay any person employed by him by means of precious minerals save in the form of coins duly issued as currency.

(4) Every such licence shall expire on the 31st December of the year in which it is granted.

(5) No trader's licence shall be transferable.

(6) The holder of a trader's licence shall not purchase, trade in, or receive any precious minerals unless he has first satisfied himself by reasonable inquiry that the seller is authorised to be in possession of such minerals and to dispose of the same and shall at the time of such transaction enter into a book kept for the purpose the name and address of the person from whom he received the precious mineral, the nature of the transaction, the nature and amount of the mineral obtained, and the price paid by him.

95. (1) Any person claiming to be entitled to or in any way interested in any right, property, concession or privilege in connection with mining other than grants made in pursuance of this Ordinance shall on or before a date to be fixed by the High Commissioner by notice, which date shall not however be earlier than three months after the publication of this Ordinance in the Gazette, record such claim with the Controller; and every interest, right, property, concession or privilege in respect of which no claim is recorded as aforesaid shall be deemed to be absolutely extinguished, and the High Commissioner may in respect of any land which may have previously been subject to any such right or interest either

Existing interests to be recorded

(a) declare the same to be open to exploration or prospecting, or

(b) grant a mining lease of such land in accordance with the provisions of this Ordinance.

(2) Where any such claim or interest shall have been recorded as aforesaid, the High Commissioner shall cause inquiry to be made, and if satisfied that such claim or interest would have been good and lawful under the Ottoman laws previously in force he shall order the same to be registered in the Office of the Controller. Should the High Commis-

sioner not be satisfied that such claim or interest would have been good and lawful he shall order the same to be expunged from the record and shall proceed as if no such record had been made.

(3) A holder of any prospecting licence right or lease granted under the Ottoman Law which is held to have been good and lawful shall be entitled to surrender his rights under such licence or lease and to be granted in their place rights to be held in accordance with the provisions of this Ordinance of as similar a nature and of as equal a value as the circumstances of the case will admit.

Arbitration

96. Whenever a matter under this Ordinance is to be decided by arbitration it shall be referred to a Board which shall consist of one arbitrator nominated by each of the parties to the dispute together with a third arbitrator agreed between the other two arbitrators, or failing agreement, nominated by the Chief Justice of Palestine. Such arbitration shall be held in accordance with the provisions of any Ordinance concerning arbitration in force from time to time in Palestine, and failing such Ordinance in accordance with the provisions of the Imperial Act of Parliament known as the Arbitration Act of 1889 with such modifications as may be necessary.

Repael

97. The Ottoman Laws referred to in the Fourth Schedule hereto together with all rules or regulations issued thereunder shall cease to have effect as from the date on which this Ordinance comes into force.

HERBERT SAMUEL
High Commissioner.

June 29th, 1925.

GOVERNMENT OF PALESTINE.

REGULATIONS.

PART I.

Prospecting.

(A) Prospecting Permits.

1. Application for a prospecting permit shall be made in person at the office of the Mines Branch. The applicant shall state his name and address within the territory of Palestine and if he apply as agent or attorney the name and address of his principal.

2. The Applicant may be required to give proof of age and nationality or alternatively to make a sworn declaration as to age and nationality.

3. The applicant shall declare, on oath if so required, whether he or his principal, if any, has previously held any mining permit, licence, right, or lease granted under any mining law now or formerly in force in Palestine with sufficient particulars to identify the same. The issue of a prospecting permit may be refused if it appear that the applicant or his principal has previously held such a permit, licence, right, or lease which permit, licence, right, or lease has been forfeited for some misfeasance or non-feasance on the part of such applicant or his principal, or if for any other reason the Controller does not consider him to be a fit and proper person to receive a prospecting permit.

4. The applicant shall state the area over which he desires to prospect and the mineral or minerals for which he intends to prospect.

5. If the Controller shall decide to issue to the applicant a prospecting permit the statements by the applicant shall before such issue be entered in a record book kept for that purpose in the Mines Branch which particulars shall be signed by the applicant. The applicant shall then pay the prescribed fee. A prospecting permit in the Form I in the Annexe hereto shall then be signed on the back thereof by the applicant as holder, and after being signed by the Controller or an officer deputed by him for that purpose shall be issued.

6. On the payment of the prescribed fee a prospecting permit shall be renewed on application to the Controller unless the conduct of the holder since the issue of the permit shows that there is reasonable ground for believing that the holder is a person who should not be granted a renewal of the prospecting permit. The Controller shall give his reasons for refusing a renewal.

7. The application for renewal, if in writing, shall state the number of the Prospecting Permit renewal of which is desired. The Prospecting Permit to be renewed shall be produced by the applicant for inspection.

8. On a renewal being granted a new Prospecting Permit bearing the same number as the old Prospecting Permit shall be issued to the applicant.

9. A renewed Prospecting Permit in like manner and subject to the like conditions may be again renewed an indefinite number of times.

(B) Exploration Permits.

10. Application for an exploration permit shall be made in person at the office of the Mines Branch. The applicant shall state his name and address and if he apply as agent, the name and address of his principal.

11. The applicant shall state the area which he desires to explore.

12. The applicant shall state the names and qualifications of the geologists and experts he is prepared to employ in making the survey and shall satisfy the Controller that he is possessed of means and funds for adequately exploring the area.

13. If the Controller shall decide to issue an exploration permit to the applicant the statements made by the applicant shall be entered in a record book kept for that purpose in the Mines Branch which particulars shall be signed by the applicant.

14. The applicant shall then pay the prescribed fee. An Exploration Permit in the Form II in the Annexe hereto shall then be completed and signed by the applicant and the Controller or officer deputed by him for the purpose.

15. The area comprised in an exploration permit shall not exceed five hundred square kilometres.

16. The term of an exploration permit shall not exceed two years.

(C) Prospecting Licences.

17. Application for a prospecting or prospecting oil licence shall be made in person at the office of the Mines Branch. The applicant if the holder on his own behalf of a prospecting permit shall produce the same for inspection.

18. The applicant if the principal on whose behalf a prospecting permit has been obtained by an agent shall either produce such permit or shall satisfy the Controller that he is the principal in question.

19. The applicant shall identify the area over which he desires exclusively to prospect and shall state the mineral or minerals for which he intends to prospect,

20. If the whole or a part of such area is owned or occupied by a private person, the applicant shall produce evidence to the satisfaction of the Controller that the applicant either himself or through his agent has prospected the area or the part thereof in question for the mineral or minerals in question with the consent of the said owner or holder of surface rights, or that such area or part thereof has not been prospected and the consent of the owner or holder of surface rights in question or his representative has been obtained by the applicant as required by Section 6 of the Ordinance.

21. If the applicant is not in a position to prove either of the alternatives set out in the preceding Regulation, a prospecting or prospecting oil licence shall not be issued in respect of the area privately owned or occupied unless and until it appears that the owner or holder of surface right is not prospecting and is not prepared to prospect the area himself or by his agents in a manner approved by the Controller; when a prospecting or prospecting oil licence may be issued to the applicant on his giving the security required by Section 6 of the Ordinance.

22. (1) If it be decided to issue to the applicant a prospecting or prospecting oil licence all necessary information given by the applicant shall before such issue be entered in a record book kept for that purpose in the Mines Branch which particulars shall be signed by the applicant.

(2) Before a prospecting or prospecting oil licence is issued the applicant shall pay the prescribed fee and shall sign his name on the back of the prospecting licence to be issued.

23. (1) A prospecting licence shall be in the Form III in the Annex hereto.

(2) A prospecting oil licence shall be in the Form IV in the Annex hereto.

24. The licensee shall notify the Controller of the position of any proposed borehole or shaft and shall submit a plan of the same. He shall keep an accurate record of every borehole or shaft sunk by him and shall hold at the disposal of the Controller representative samples taken from the borehole or shaft.

25. The period for which the prospecting licence is granted shall not be less than one year nor more than five years but if granted for a period of less than five years the licence may be renewed at the discretion of the Controller up to a total maximum period of five years.

26. Notice of abandonment of a prospecting area shall be given in writing and shall be forwarded to the Mines Branch. Such notice shall state the number of the prospecting licences under which the area was held and shall be signed by the holder thereof.

27. The area shall be rectangular in form as near as practicable, and the shorter sides shall not be less than one third of the longer sides.

28. Save where the applicant is the holder of an exploration permit, the size of such area shall not exceed in the case of precious minerals twenty hectares; in the case of non-precious minerals other than oil fifty hectares; in the case of oil two square kilometres.

PART II.

Discovery.

29. Any holder of a prospecting or exploration permit or prospecting licence who makes a discovery shall erect a beacon at the place of discovery. The beacon shall consist of a wooden post or cairn of stones not less than three feet high above the surface, securely placed and encircled by a trench one foot deep and one foot wide. When a trench cannot be dug a circle of stones of large size shall be placed in circular form around the post or cairn. Affixed to the post or cairn there shall be a notice board bearing the name of the person making the discovery, the date of discovery, and the name of the mineral discovered.

30. (1) The discovery shall be notified to the Controller by the person making the discovery either in person or in writing as soon as possible. Form V in the annexe hereto for the notification of Discovery shall be employed or followed as far as possible. The discoverer shall at the same time furnish such particulars and samples of the rocks and minerals at and in the neighbourhood of the discovery as the Controller may require. The Controller may require the person making such notification and giving such information and samples to verify the same by oath and may require such other evidence as he may consider necessary or desirable.

(2) A certificate of discovery shall be in the Form VI. in the Annex hereto.

PART III.

Mining.

31. Application for a mining right or mining lease by a discoverer under the provisions of Section 29 of the Ordinance shall in all cases be made per-

sonally by the discoverer or his nominee to the Controller or other officer appointed to consider such application, and at such interview the applicant shall be required to give proof to the satisfaction of the Controller or other officer aforementioned of means and ability adequately to exploit the mineral resources of the area in question.

32. Application for a mining right or mining lease by a person not applying under the provisions of Section 29 of the Ordinance shall be in writing and shall be accompanied by a tender giving such particulars as may be required by the Director.

33. On the grant of a mining right, mining lease or surface lease the prescribed fees shall be payable.

34. The area of a mining right shall not exceed one square kilometre or in the case of valley alluvium one kilometre along the course of the stream and one hundred meters on either side from the centre of the stream.

35. The area of a mining lease shall not exceed the maximum area over which a prospecting licence may be granted in respect of the mineral to be mined except with the consent of the High Commissioner.

Provided that in no other case shall the unit leased be greater than twenty hectares in the case of precious metals, fifty hectares in the case of non precious metals and one hundred hectares in the case of oil.

PART IV

Demarcating, marking, beaconing and survey of area of prospecting licence, or discoverer's area, mining right, or lease or surface lease.

36. (1) Before applying for a prospecting licence in respect of a prospecting area the prospector shall erect approximately in the centre of the area for which application is to be made a location post which shall be not less than three inches in diameter and which shall project above the ground at least four feet; and which shall be securely fixed in or on the ground. Upon such post shall be affixed a notice board on which shall be stated the name of the prospector, the date of erection, and the approximate size of the area to be applied for.

(2) Demarcation of an area in which a discovery has been made shall be carried out in the same manner as in the case of a prospecting area except that upon the notice board shall be stated the name of the discoverer, the number of the discoverer's prospecting licence, the date of the certificate of discovery, the name of the mineral or minerals discovered and the approximate length of the sides of the area over which the discoverer proposes to apply for a mining lease and their direction with reference to the compass. On completion the area delimited shall be examined by an official of the Mines Branch

deputed for that purpose; and if the demarcation is of the proper area and is properly performed the certificate of discovery shall be marked by him with the words "demarcation approved" and shall be signed by him and stamped with an official impressed stamp. The official shall make a sketch plan of the area so demarcated and such sketch plan shall be lodged in the Mines Branch.

(3) If the Controller requires a survey of the area comprised in a licence, right or lease by a Government surveyor and the Director of Surveys consents to such a survey being made, the applicant shall pay to the Controller a deposit to cover the approximate charges and other sums payable for or in respect of survey under this Regulation.

(4) If the actual expenses are less than the deposit the balance shall be returned to the applicant, and if the deposit is insufficient he shall pay the balance before the application for the licence, right or lease is granted.

(5) The Director of Surveys shall, as soon as may be after satisfying himself that the deposit has been paid and is approximately correct, appoint a surveyor to survey the area. The surveyor appointed shall notify the applicant of the time and place at which the applicant or his representative shall meet him for the purpose of showing the area beacons.

(6) The applicant or his representative shall remain with the survey party during the survey of the area.

(7) The surveyor may in his discretion either require the applicant to clear the boundaries under his direction or clear the boundary himself at the cost of the applicant.

(8) The width of the clearing shall not be less than eight feet. In the case of a boundary common to two persons, the width of clearing shall not be less than thirteen feet. All branches, creepers or undergrowth interfering with the view along the boundary line shall be removed.

(9) Crops and trees shall not be interfered with unless necessary for the purposes of survey and on payment of compensation by the applicant to the owner.

(10) Any tree may, at the discretion of the surveyor, be left standing in any boundary line.

(11) The plan made by the surveyor shall show the boundaries, boundary marks and beacons, and contours, and the topographical features lying on the boundaries. The plan shall be drawn on a scale of 1/10,000.

37. (1) The following charges shall be made:—

(a) A preliminary fee (to cover the cost of transport of the survey party to the area to be surveyed) of £E. 25 per distinct area; provided that where two or more areas are in close proximity the preliminary fee may at the discretion of the Director of Surveys be reduced in amount.

(b) A fee for the survey of a boundary per kilometre or part thereof:—

In level or undulating country	£E. 3.50
In level or undulating country with spare forest or scrub .	4.00
In rough, broken, hilly or forest country	5.50

The decision of the Director of Surveys as to the character of the country surveyed shall be final.

(c) The applicant shall be entitled to one tracing of the plan on linen which shall be attached to the licence, right or lease and three sun-prints on cloth-backed paper.

If the applicant requires further copies of the plan or sun-print he shall pay the following fees: —

A finished drawing on canvas-backed paper	£E. 5.00
A tracing on linen	2.00
A sun-print on cloth-backed paper	
For one copy	2.50
For each subsequent copy	50 P.T.

Provided that the Director of Surveys may make smaller charge for plans in any case where in his opinion the above charges are excessive for the work done.

(d) An additional charge of PT. 30 will be made for each mark or beacon, which has been fixed by the Surveyor.

(2) At the time of the survey boundary marks shall be placed at the angles made by the boundaries. Boundary marks of such a nature as the Surveyor may direct shall also be placed at points where main roads, railways, telegraph lines, or water-courses cross the boundaries. Two metres from each boundary mark and inside the area granted there shall be erected a temporary beacon:

Provided that, where for any person it is impracticable to comply strictly with these provisions, the Surveyor may authorise the placing of marks and beacons at such other points as may in his opinion most conveniently define the boundaries of the area.

(3) All boundary marks and beacons or the materials therefor shall be supplied by the applicant. Should he fail or delay to provide them at the time and place arranged he shall be charged with all expenses incurred by the Government owing to such failure or delay, such expenses to be assessed by the Director of Surveys. The Director of Surveys may, if he thinks fit, supply the marks, beacons or materials and charge the applicant with the cost thereof.

(4) All permanent boundary marks shall be covered with a mound of earth or stones not less than 50 centimetres high. A line of stones or a trench not less than 30 centimetres deep shall be made along the boundary line for a distance of five meters each side of a boundary mark.

(5) All corner boundary marks and beacons shall be erected by the applicant before the surveyor leaves the property. All other boundary marks and beacons shall be erected within two months of the date on which the licence, right or lease is granted.

(6) The area as finally marked and beacons under the direction of the Surveyor shall conform as nearly as possible with the area beacons before application for the licence, right or lease, the beacon erected before such application being adjusted by the Surveyor where necessary. The ruling of the Surveyor as to the position of marks and beacons shall be final. The area of the land covered by a prospecting licence, a mining right or lease shall be accepted as determined by the Survey, and the plan made by the Surveyor shall be accepted as the correct plan.

(7) If the area of the land applied for is found by the Surveyor to be greater than the area allowed by the Ordinance the Surveyor shall, subject to the provision of the succeeding paragraph of this regulation have entire discretion to alter the position of the beacons in order to bring the area within the limit allowed.

(8) The Surveyor shall report to the Controller through the Director of Surveys if the area applied for cannot be identified, on the ground by means of the sketch map and the marks and beacons erected, or if the area beacons exceeds by 20% the maximum allowed by the Ordinance, and in such cases the Controller may refuse the application.

(9) If the application is refused, the survey fees deposited shall be forfeited in whole or in part as the Director referred to in Section 2 (3) of the Ordinance may think fit.

(10) Any delay to the survey party caused by negligence or default in carrying out the foregoing regulations or during such time as the applicant is clearing the lines shall be charged for at a rate not exceeding L.E. 10 for each day during which the survey party has been delayed.

(11) If the application shall be refused, and if any expense has been incurred by the Government in connection with the survey of the area applied for, the deposit made by the applicant under Regulation 36 (3) shall be forfeited to the Government in whole or in part as the Director of Surveys may think fit

PART — V.

Water Rights.

38. Application for the grant of a water right in pursuance of Section 64.

of the Ordinance shall be made in writing to the Controller and shall give the particulars following:-

(a) Name and address in Palestine of the person applying.

(b) Whether applicant applies on his own behalf or on behalf of others; if the former sufficient details to enable his prospecting licence, right or lease to be identified must be given; if the latter the names of the persons on whose behalf application is made together with sufficient detail to enable their prospecting licence right or lease to be identified must be given.

(c) The nature of the right required i.e. which of the rights indicated in Section 72 of the the Ordinance is or are required.

(d) The purpose for which the right is required.

(e) The extent of the right required.

(f) The river, stream, lake, water-course, water furrow, water-hole, or well that will be effected and the place at which and the manner in which it will be affected and if rights indicated in (c) or (d) of the said Section are required the nature of the work it is proposed to do indicating the situation and direction of the same.

(g) Whether any private rights are known to the applicant to be affected and if so the name and address of the owner of such rights and whether his consent has been obtained. The said particulars shall be certified by the applicant as true to the best of his knowledge and belief and shall be signed by him.

39. Objection to the grant of a water right shall be made in writing to the Controller and shall be signed by the person objecting and shall state the interest of the objector that is affected and the grounds of his objection. The objector shall state the address to which all communications relative to the objection should be sent.

40. The notice to show cause why a water right should not be cancelled shall be in the Form XII in the Annexe to this Schedule.

PART VI.

Miscellaneous.

41. The certificate of registration issued under Section 75 of the Ordinance shall be in the Form XIII in the Annexe hereto.

42. A trader's licence shall be in the Form XIV in the Annexe hereto.

43. Where any person is required in virtue of the Ordinance or these regulations to sign his name and such person is unable to write or sign his own name the document which he is required to sign shall be read over to him so that he understands it and he shall then, if he agrees to the terms of the document or report, attach his thumb mark to it. The person writing the report and reading it shall also sign his name and shall write opposite the thumb mark the name of the person making it and a statement that the document had been read over to the person signing it and that he appeared to understand its contents.

ANNEXE TO SCHEDULE I.

Form I.

Prospecting Permit.

(Front)

Mining Ordinance 1925 PROSPECTING PERMIT No.
NOT TRANSFERABLE

A prospecting permit is hereby granted to

Name in full.....

Address in full.....

to prospect for twelve months from the date hereof under and subject to the provisions of the above Ordinance or any amendment thereof.

Granted this day of 19

Office

Fee :.....

Stamp

Signed.....

Controller of Mines

PROSPECTING PERMIT.

(Back.)

Signature of Holder.....

Holder holds as agent for.....

Strike out if inapplicable

of.....

Strike out if permit applies to
the whole of Palestine } Area for which granted
Signed _____
Controller of Mines.

PART II.
EXPLORATION PERMIT.
(Front.)

Mining Ordinance 1925. EXPLORATION PERMIT No.

An Exploration Permit is hereby granted to

Name in full _____

Address in full _____

to explore the area defined on the back hereof for the period of _____ months
from the date hereof and under and subject to the provisions of the above
Ordinance or any amendment. thereof.

Office Granted this day 19
Stamp Signed _____

Controller of Mines.

Fee: _____

EXPLORATION PERMIT.
(Back.)

Description of area to be explored.

Signature of Holder _____
Signed _____

Controller of Mines.

FORM III.

PROSPECTING LICENCE.

(Front.)

Mining Ordinance 1925

PROSPECTING LICENCE No. _____

An exclusive prospecting licence is hereby granted to

Name in full _____

Address in full _____

Strike out
whichever is
inapplicable.

(being the holder of prospecting Permit No. _____)

(being the principal on whose behalf Prospecting Permit
No. is held by _____ as agent)

to prospect for (state period) the area indicated on the back
hereof for the minerals indicated on the back hereof, under
and subject to the provisions of the above-mentioned Or-
dinance or any amendment thereof.

Granted this _____ day of _____ 19_____.

Office
Stamp

Fee : _____

Signed _____

Controller of Mines.

PROSPECTING LICENCE.

(Back.)

(Signature of Holder) _____

(Address of Holder) _____

Area over which this Licence is granted

Mineral or minerals in respect of which this licence is granted

Strike out
if inapplic-
able

Consent of _____ of _____

obtained

(Security of £E.

given)

Signed _____

Controller of Mines.

FORM IV.
PROSPECTING OIL LICENCE.

Mining Ordinance 1925.

PROSPECTING OIL LICENCE No. _____

A prospecting oil licence is hereby granted to

Name in full _____

Address in full _____

who has the exclusive right under and subject to the provisions of the above mentioned Ordinance or any amendment thereof and in virtue of Exploration Permit No. _____ to prospect for oil during the period of _____ from the date hereof in the area following: that is to say

Granted this _____ day of _____ 19

Signed _____

Controller of Mines.

Office
Stamp.

Fee paid _____

FORM V.
NOTIFICATION OF DISCOVERY.

Mining Ordinance 1925.

NOTIFICATION OF
DISCOVERY.

Insert Prospect-
ing Permit No.
or Prospecting
Licence No.
as the case
may be.

I _____
of _____
being the holder of Prospecting _____
No. _____ make oath and say as follows: -

1. That on the _____ day of _____ 19
I found _____

at _____

and that to the best of my knowlege and belief I am
the first discoverer thereof.

2. That the samples sent herewith marked with my name
were taken from a body of mineral deposit in its natural
state in the place above mentioned and were broken by
me from the said body of the mineral deposit.

3. That the following are the true and correct particulars of the work done by me on the ground and the mineral situation thereby disclosed.

Signature _____

Sworn before me at _____

This _____ day of _____ 19 _____.

Signed _____

(A person empowered to take evidence on oath).

FORM VI.

CERTIFICATE OF DISCOVERY.

Mining Ordinance 1925.

CERTIFICATE
OF
DISCOVERY.

A Notification of discovery of _____

at _____

having been made by _____

on the _____

day of _____

19 _____ and enquiries having been made into the nature of the discovery which reveals that _____

exist in apparently payable quantities, this certificate of discovery of _____ is therefore issued to the discoverer named above.

This Certificate is not to be taken as proof that these minerals do in fact exist in payable quantities at the place above mentioned.

Signed; _____

Controller of Mines.

FORM VII.
MINING RIGHT.

Mining Ordinance 1925.

MINING RIGHT No.

A MINING RIGHT is hereby granted to _____
of _____
under and subject to the provisions of the above mentioned Ordinance or any
amendment thereof over the lands following that is to say

_____ in respect of the mineral (minerals) following; that is to say

_____ for one year from the date hereof and for such period as this Mining Right
may be renewed subject to the due payment to the Controller of Mines of
the annual rent of £E. _____ hereby reserved and the due performance
of the provisions of the above mentioned Ordinance or any amendment thereof.

Dated this _____ day of _____ 19

Signed _____

High Commissioner.

MINING RIGHT.

Renewed this _____ 19

Signed _____

For one year _____ High Commissioner

Renewed this _____ day of _____ 19

Signed _____

For one year _____ High Commissioner

Renewed this _____ 19

Signed _____

For one year _____ High Commissioner

Renewed this _____ day of _____ 19

Signed _____

For one year _____ High Commissioner

FORM VIII.

MINING LEASE.

(Other than a Mining Oil Lease).

An agreement made the _____ day of _____ 19____ between His Excellency the High Commissioner for Palestine (hereinafter called the lessor which expression shall include his successors) of the one part and _____ (hereinafter called the lessee which expression shall include his successors in title and permitted assigns) of the other part.

Whereby it is agreed as follows:—

1. In consideration of the covenants, provisions, rents and royalties hereinafter reserved and contained the lessor grants unto the lessee the mines and minerals mentioned in Schedule "A" hereto in and under the land mentioned in Schedule "B" hereto and delineated on the plan hereto annexed, and thereon coloured _____ together with the right to occupy the surface described in Schedule "C" hereto and coloured _____ on the said plan for the purpose of such surface operations as are necessary to carry out mining operations in and under the land specified in Schedule "B", together with all rights and privileges conferred on the lessee of a mining lease under the provision of the Mining Ordinance 1925 or any amendment thereof or any regulation thereunder.

2. The term hereby created shall be the period of _____ years from the date hereof.

3. The lessee shall pay to the lessor the rents and royalties prescribed by the Mining Ordinance 1925, or any amendment thereof at the time and in the manner prescribed therein or in the regulations thereunder and shall observe and perform the following covenants:—

(a) The lessee shall on or before the date when the same may become due, pay all rates and taxes of every kind for the time being payable in respect of the area described in Schedule "C" and of any buildings or works erected thereon.

(b) The lessee shall comply with all the conditions and obligations imposed on the lessee of a mining lease by the provisions of the Mining Ordinance 1925 or any amendment thereof or any Regulations thereunder.

(c) The Lessee shall within twelve months from the date hereof begin mining operations on the land hereby granted in such manner and to such extent as shall reasonably satisfy the Controller of Mines and thereafter will at all times during the continuance of this lease carry on such operations to the reasonable satisfaction of the Controller.

(d) The lessee shall not assign nor underlet the premises, rights, liberties, powers and privileges hereby granted or any part thereof, or part

with possession to any other person or persons of any land occupied for any of the purposes of this lease without the previous consent in writing of the lessor, which shall not be unreasonably withheld in the case of a respectable and responsible assignee or under-lessee provided that the lessor shall be entitled to require condition to giving such consent, the assignee or under-lessee at his own expense, to execute a deed of covenant to observe and perform the covenants and conditions on the part of the lessee in this lease contained or such other document as the lessor may reasonably require for rendering such assignee or under-lessee liable to observe and perform the said covenants and conditions in like manner as though he had been a party or parties to this lease in place of the Lessee or as nearly so as circumstances will admit.

And it is hereby further agreed between the lessor and the lessee that if the rents or royalties hereby reserved or any part thereof shall be unpaid for the space of 3 months next after any of the days whereon the same ought to be paid, then and so often as the same shall happen the lessor may enter into and upon the said premises which shall for the time being be possessed or occupied by the lessee for the purpose of this lease, and may distrain all or any of the stock of minerals, engines, plant, live or dead stock, and things which shall be found in or upon the said premises and the same may take, lead, drive, carry away, impound, detain and keep until the rent or royalty which shall be due and all costs and expenses occasioned by the non-payment thereof shall be fully paid and satisfied. If the rents or royalties reserved, or part thereof, shall be unpaid for the space of 3 months next after any of the days where the same ought to be paid as aforesaid, whether the same shall be legally demanded or not, or if the lessee shall commit any breach of the covenants and the conditions contained in this lease and on his part to be observed and performed or any of them, in such case it shall be lawful for the lessor at any time thereafter and although he may not have taken advantage of some previous default of a like nature, in and upon the said demised premises or any part thereof to re-enter and the same to have again, re-possess and enjoy.

Sealed and signed
by the Lessor this
in the presence of

day of _____ 19 .

Sealed and signed
by the Lessee this
in the presence of

day of _____ 19 .

Schedule A.

Schedule B.

Schedule C.

FORM IX.

MINING OIL LEASE.

An agreement made the _____ day of _____ 19____
between His Excellency the High Commissioner for Palestine (hereinafter called
the Lessor which expression shall include his successors of the one part) and
_____ (hereinafter called the Lessee which
expression shall include his successors in title and permitted assigns) of the
other part.

Whereby it is agreed as follows :—

1. In consideration of the covenants provisions rents and royalties herein-
after reserved and contained the lessor hereby grants unto the lessee the oil in
and under the lands mentioned in Schedule A hereto and delineated on the plan
hereto annexed, and thereon coloured _____ together with the right to
occupy such part or parts of the surface of the Lands described in Schedule B
hereto, as may from time to time be certified by the Controller to be necessary
to carry on mining operations for oil in and under the land specified in Schedule
A, together with all rights and privileges conferred on the lessee of a mining
oil lease under the provisions of the Mining Ordinance 1925 or any amendment
thereof, or any Regulations thereunder

2. The term hereby created shall be the period of _____ years from the
date thereof.

3. The lessee shall pay to the lessor the rents and royalties prescribed by
the Mining Ordinance 1925 or any amendment thereof at the times and in the
manner prescribed therein or in the Regulations made thereunder and shall
observe and perform the following covenants :

(a) The lessee shall on or before the date on which same may become
due pay all rates and taxes of every kind, for the time being payable in respect
of the area described in Schedule B and of any buildings or works
erected thereon.

(b) The lessee shall comply with all the conditions and obligations imposed
on the lessee of a mining oil lease by the provisions of the Mining Ordinance
1925 or any amendment thereof or any Regulations thereunder.

(c) The lessee shall within 12 months from the date hereof begin mining
operations for oil on the land hereby granted in such a manner and to such
an extent as shall reasonably satisfy the Controller of Mines and thereafter will
at all times during the continuance of this lease carry on such operations to the
reasonable satisfaction of the Controller.

(d) The lessee shall not assign nor underlet the premises, rights, liberties,
powers and privileges hereby granted or any part thereof, or part with posses-
sion to any other person or persons of any land occupied for any of the pur-

poses of this lease without the previous consent in writing of the lessor, which shall not be unreasonably withheld in the case of a responsible and respectable assignee or under-lessee: Provided that the lessor shall be entitled to require as a condition to giving such consent, the assignee or under-lessee at his expense to execute a deed of covenant to observe and perform covenants and conditions on the part of the lessee in this lease contained or such other document as the lessor may require for rendering such assignee or under-lessee liable to observe and perform the said covenants and conditions in like manner as though he had been a party to this lease in place of the lessee or as nearly so as circumstances will admit.

And it is hereby further agreed between the lessor and the lessee that if the rents or royalties hereby reserved or any part thereof shall be unpaid for the space of 3 months next after any of the days whereon the same ought to be paid, then and so often as the same shall happen the lessor may enter into and upon the said premises which shall for the time being be possessed or occupied by the lessee for the purpose of this lease, and may distrain all or any of the stock of minerals, engines, plant, live or dead stock, and things which shall be found in or upon the said premises and the same may take, lead, drive, carry away, impound, detain and keep until the rent or royalty which shall be due and all costs and expenses occasioned by the non-payment thereof shall be fully paid and satisfied. If the rents or royalties reserved, or part thereof, shall be unpaid for the space of 3 months next after any of the days whereon the same ought to be paid as aforesaid, whether the same shall be legally demanded or not, or if the lessee shall commit any breach of the covenants and the conditions contained in this lease and on his part to be observed and performed or any of them in such case it shall be lawful for the lessor at any time thereafter, and although he may not have taken advantage of some previous default of a like nature, in and upon the said demised premises or any part thereof to re-enter and the same to have again, re-possess and enjoy.

Sealed and signed by the lessor
this day of 19 in the
presence of

Sealed and signed by the lessee this
day of 19 in the presence of

Schedule A.

Schedule B.

FORM X.

SURFACE LEASE.

An agreement made the day of 19 between His Excellency the High Commissioner of Palestine representing the Government of Palestine (hereinafter called the "lessor" which expression shall include his successors) of the one part and (hereinafter called the "lessee" which expression shall mean and include his successors and permitted assigns) of the other part.

Supplemental to an agreement for lease (hereinafter called the principal lease) dated the day of 19 and made between the same parties as the parties hereto.

WHEREAS in virtue of the fact that the lessee is the lessee under the principal lease and of the provisions of the Mining Ordinance 1925 the lessee has the right to call for an area whereon to deposit or treat minerals mined in virtue of the principal lease and whereas the lessee has exercised the said right in respect of hectares.

IT IS HEREBY AGREED AS FOLLOWS:—

In consideration of the rent hereinafter reserved and of the performance by the lessee of the duties imposed upon him as a Mining lessee by the Mining Ordinance 1925 or any amendment thereof and of the obligations imposed upon the lessee by the principal lease the lessor hereby grants unto the lessee the surface area described in the Schedule hereto

and delineated on the plan hereto annexed and therein colored
TOGETHER with leave and licence to build and erect buildings and plant for the treatment of minerals mined under the principal lease on the said area.

TOGETHER with leave and licence to deposit on the said area minerals mined under the principal lease aforesaid or part thereof or tailings or other the residues from mining or metallurgical operations connected therewith or from the treatment of minerals mined under the principal lease.

2. The term of the lease hereby created shall be the unexpired portion of the term of the principal lease with the right of renewal for any further term for which the principal lease shall be renewed.

3. The lessee shall pay during the said term an annual rent of £.E.
Such rent shall be payable at the same time and in the same manner as the rent in respect of the surface which is reserved under the principal lease, and all obligations and conditions contained in the principal lease shall mutatis mutandis apply to the rent hereby reserved.

IN WITNESS WHEREOF the parties hereto have set their hand hands and seals on the date above written.

Sealed and signed by the above
mentioned lessor in the
presence of

Sealed and signed by the above
mentioned lessee in the
presence of

Schedule.

(Description of the area the subject of the lease)

FORM XI.

GRANT OF A WATER RIGHT.

Mining Ordinsnce 1925.

Water Right No. _____

WATER RIGHT.

Strike out if
inapplicable.

Whereas application for the grant of a Water Right was
made by _____
of _____
on behalf of _____
of _____
and _____
of _____

Insert (on his
own behalf) (on
behalf of the
person afore-
said) as the case
may be.

And whereas it has been decdied by _____
that the rights following should be granted now know
all men that there are granted to the aforesaid the
rights following:

And be it further known that the rights aforesaid will
lapse on the _____ day of _____ 19____
unless renewed.

Given this _____ day of _____ 19____ .

Signed _____
Controller of Mines.

FORM XII.

Notice under Section 71 (1).

Mining Ordinance 1925.

WATER RIGHT No. _____

Take notice that you are required to appear before _____

Insert ground
i. e. no sufficient
use or an impro-
per use is being
made. If the
latter, insert
details of the
improper use.

At _____
on the _____ day of _____ 19____
to show cause why the water right held by you and
numbered _____ should not be cancelled on the ground
that _____

And take notice that should you fail to appear and show
cause the said water right will be cancelled as from the
above date.

Given this _____ day of _____ 19__.

Signed _____
Controller of Mines.

To _____
of _____

Holder of Water Right No. _____

FORM XIII.

Certificate of Registration.

Mining Ordinance 1925.

CERTIFICATE OF REGISTRATION.

Certified that I have registered _____

as the _____

of _____

•State interest
state subject
of interest.

in the Register and at the Folio following.

Book No. _____

Folio No. _____

Dated this _____ day of _____ 19__.

Signed _____

Registering Officer of
the Mines Branch.

Office
Stamp.

Fee paid _____

FORM XIV.

Trader's Licence.

Mining Ordinance 1925.

Trader's Licence No.

NOT TRANSFERABLE.

A TRADER'S LICENCE is hereby granted to (Name in full) _____
(Address in full) _____

to be possessed of, purchase, trade in and receive precious minerals under
and subject to the provision of the above mentioned Ordinance or any amend-
ment thereof for the period of

Granted this _____ day of _____ 19____

Signed _____

Director.

Office.

Stamp.

Fee paid _____

FORM XV.

APPLICATION FOR BORE SITE.

Mining Ordinance 1925.

To the Controller of Mines.

I herewith make application for permission to bore a well
on the area covered by Mining Oil Lease No. _____
Prospecting Oil Licence

The bore will be numbered _____

I attach herewith a plan of the site on a scale of 1:500
showing details.

The drilling system to be employed is _____

My reason for the selection of this site is _____

Signature _____

SCHEDULE II.

MINING REGULATIONS

PART I.

General.

PART II.

Mines

PART III.

Oil-fields.

SCHEDULE II.

Part I. General.

1. In this schedule and in any regulations which shall amend or add to the regulations in this schedule the following words shall have the following meaning :

“Small mine” shall mean a mine in which less than 30 persons are employed underground.

“Short-firer” shall mean a workman employed in blasting operations who prepares charges of explosives, charges holes or fires shots.

“Mine owner” shall mean and include any person who is the immediate lessee of a mine or the holder of the mining right.

“Agent” shall mean and include any person appointed or acting as the representative of the mine owner in respect of any mine or of any part thereof.

“Manager” shall mean the person responsible to the mine owner for the working of the mine.

“Under-manager” shall mean and include a person having a permit to act as under-manager granted by the Controller.

“Inspector” shall mean an Inspector of Mines or a person acting as such for the time being under lawful authority.

SURFACE PROTECTION.

2. Where mining operations have caused subsidences or cavities on the surface, or where such are known to be likely to occur at a given place such place shall be securely fenced in and conspicuous notice boards put up to warn persons off.

3. Whenever in the opinion of an inspector it is necessary in the public interest to prevent a subsidence at any part of the surface and such subsidence is likely to be caused by the continuance of operations in any part of any mine he may by notice in writing prohibit the continuance of mining in that part of that mine either absolutely or subject to such safeguards whether by timbering, stowage, leaving pillars or otherwise as he may determine. Appeal against such notice shall be to the Controller but the notice shall operate unless and until withdrawn.

4. When any shaft is or has been abandoned or the working thereof discontinued, at whatever time the abandonment or discontinuance occurs, such shaft shall be fenced off from access by persons or animals by a substantial encircling wall at least 3 feet 6 inches high and 2 feet thick.

5. Solids or fluids containing corrosive or poisonous chemicals must be stored so as to prevent persons unwittingly having access thereto and notice boards shall be put up in suitable places to warn persons from making use of such solids or fluids.

6. No water containing corrosive, poisonous or injurious substances shall be allowed to escape until it has been rendered harmless to animal and vegetable life.

PART II. Mines.

Control and Inspection.

7. A. OPEN WORKINGS.

The following regulations shall be observed at every opencast:

(1) The working of the sides, tops, or overburden of the opencast shall be carried on so as to prevent dangerous falls.

(2) The top of the opencast, if dangerous to work-people or others, shall be securely fenced.

(3) The overburden of the opencast, and all loose ground or material, shall be so cleared back from the face of the opencast as to prevent danger to the persons employed.

(4) When the opencast is worked in steps or terraces these shall be of sufficient breadth in comparison with their height to ensure safety.

(5) There shall be such a space between haulage roads and the edges of terraces as shall prevent the accidental falling of things or persons from the haulage roads or terraces to terraces or places below. Provided that if it is impracticable to provide such a space the edge over which the person or thing might accidentally fall shall be securely fenced.

(6) Where danger from blasting may arise to the public efficient means shall be taken to give them due warning.

(7) A sufficient number of proper shelters shall be provided (which must be used by the persons employed) except where all leave the workings during blasting.

(8) Secure means of access shall be provided by which workmen may safely go to their working places.

(9) Each workman shall before commencing work, and during the course of it, and especially after blasting, make examination of his working place, and remove any loose rock, stone, or ground which might be dangerous.

(10) No workman shall throw down rock, stone, ground, or other material which might endanger other persons without giving them warning and seeing that they have retired to a safe place.

(11) Every workman who notices anything that appears unsafe or likely to produce danger, shall forthwith report it to the owner, agent, manager, or person in charge.

(12) A copy of the regulations for the time being in force at any opencast shall be kept posted at the opencast in a conspicuous place and in such a manner that all such regulations can be conveniently read by the persons employed.

8. B. UNDERGROUND WORKINGS.

Every mine shall be under one manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every mine shall appoint himself or some other person to be the manager of such mine.

9. (1) No person shall be appointed a manager unless he possesses a permit granted by the Controller after due enquiry that he is competent to act as a manager.

(2) (a) If at any time representation is made to the Controller or otherwise that any person holding a permit of competency is, by reason of incompetency or gross negligence or misconduct, in the capacity of, or while temporarily performing the duties of manager or under-manager of a mine, unfit to continue to hold a permit of competency, or has been convicted of an offence under the Ordinance or any enactment repealed or superseded by the Ordinance involving danger to life or limb, the Controller may recommend to the High Commissioner that an enquiry be made into the conduct of that person.

(b) The Court of Enquiry shall be appointed by the High Commissioner.

(c) The enquiry shall be public.

(d) The court may require the person into whose conduct enquiry is made to deliver up his permit of competency. The court shall hold a permit so delivered until the conclusion of the investigation, and shall then either restore, cancel, or suspend the certificate or permit according to its judgement on the case.

(e) The High Commissioner may at any time, if it be shown to him to be just so to do, renew or restore, on such terms as he thinks fit, any permit which has been cancelled or suspended.

10. There shall be a daily supervision of the mine by the manager and or the undermanager.

11. Every holder of a mining right, and every mining lessee, if not personally resident in Palestine, or if a Company not having the head office in Palestine, shall appoint and at all times have an agent with full powers to represent the holder or the lessee in all matters relating to his right or lease, and the control of the mining operations thereunder, and shall as soon as possible after making such appointment or any change in such appointment send to the Controller a copy of the document containing the appointment and powers of the agent, and shall state the name and address in Palestine of the agent.

12. The mine owner or his agent shall furnish to the Controller in writing the following particulars:

(a) The name, situation and nature of the mine.

(b) The name and address of the person controlling the same with (if a company) a copy of the memorandum and articles of association, the name of each of the directors and address of the head office.

(c) The name and address of the manager.

(d) Notice of any change in the name and address of the mine, person controlling, agent or manager.

13. No person shall act as manager of more than one mine except with the written approval of the Controller, unless the persons employed in the mines in all do not exceed 200, and there is an under-manager for each mine.

14. The mine owner, agent, and manager, or where there is no manager, under-manager, shall be jointly or severally liable for the carrying out of these regulations.

15. Every mine shall be open to the inspection of the Controller or an Inspector authorised by him who shall have power to enter, inspect, measure and examine any mine and every part thereof, together with all books, reports, plans or records mentioned in the Ordinance and Regulations, or ordered thereunder to be kept or made, at all reasonable times by day or night, but so as not unreasonably to impede or obstruct the working of the mine.

WAYS WORKS AND MACHINERY.

16. Every entrance to each shaft, outlet, sump, shoot, sliding, hole, disused working or other dangerous place shall be kept properly fenced, provided that any such fence may under proper precautions be temporarily removed for the purpose of repair or other necessary operations.

17. Every working or pumping shaft and every such shaft in the course of being sunk shall be securely cased or lined, or otherwise made secure.

18. Every winding shaft exceeding 100 feet in depth, shall, unless exemption be given in writing by the Controller, be provided with guides and proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in use between the surface and the bottom of the shaft to the surface.

19. The signals shall be as follows:—

	Knocks or Rings
Raise when engine at rest	1
Stop when engine in motion	1
Lower	2
Men about to ascend or descend	3
Men may enter cage or means of conveyance	3 in reply pause 1.
Clear signal, driver may wind or lower	2
Accident	5

The manager of any mine may add to the foregoing such additional signals not inconsistent therewith as may in his opinion be necessary.

A special suspense signal shall be provided for cases where it is important to prevent the cage or other means of conveyance from being set in motion

while special work is going on. If this signal be sounded the means of conveyance shall not be moved whatever signals are received until the receipt of another, releasing signal which shall only be given from the same station as the original suspense signal.

20. A copy of these signals printed in easily legible type shall be placed in a conspicuous place in the winding engine room, at the pit-mouth shaft-head, and at all working stations in the shaft. Each copy shall be kept in proper repair and shall be printed in the language or languages used by the persons concerned, and the terms shall be explained to persons unable to read.

21. No winding engine man shall wind until he has received distinct and proper signal so to do, unless instructed to do so by the manager of the mine, nor shall he act on any signal if he has been unable to do so within one minute after receiving it, but shall await a fresh signal.

22. No unauthorised person shall give any signal other than an accident signal. Persons shall be authorised to give the signals by the manager in writing. No person shall be authorised unless he is fully conversant with the nature and the meaning of the signals given.

23. No person shall act as winding engine man unless he be a person holding a permit granted by the Controller after due enquiry. Provided that in the case of accident or emergency a person may be authorised by the mine manager to act with a view to saving or preserving life.

24. Every winding engine shall have :

(1) An efficient brake capable of holding each winding drum when unclutched in a position of rest with no more slipping than one foot when loaded to double the load of the authorised load of the cage or other means of conveyance.

(2) An indicator showing to the winding engine man at his seat the position of the load in the shaft at any time, such indicator being in addition to any mark on the rope.

(3) A winding drum having such flanges or horns, and also, if the drum is conical or spiral, such other appliances as may be sufficient to prevent the rope from slipping.

25. In any mine where the winding apparatus is not provided with some contrivance to prevent overwinding approved by the Controller the cage or other means of conveyance where used to raise persons shall not be wound at a speed exceeding 200 feet per minute after it has reached a point in the shaft 50 feet from the surface landing.

26. Wire rope shall be used for winding in all shafts having a greater depth than 50 feet and no rope shall be used for winding purposes unless it is of good quality and manufacture, free from any defect and of adequate strength.

27. In case a winding rope is used both for the raising and lowering of persons and for other purposes, the weight attached to the rope in the former

case when carrying its authorised load shall not exceed 0.85 of the maximum weight where the rope is in use for other purposes.

28. A winding rope record book shall be kept at every mine and in each shall be entered the particulars following:

- 1) Breaking load of the rope
- 2) name of manufacturers
- 3) date of manufacture
- 4) date of purchase
- 5) length of rope in feet
- 6) weight per foot in pounds
- 7) date rope put on
- 8) dates of shortening
- 9) date of recupping
- 10) date of reversing the ends
- 11) date of tests made
- 12) date rope taken off
- 13) maximum load carried

Each record shall be signed by the person responsible for the accuracy of the facts contained in the entry. The book shall be produced on demand by an Inspector.

29. A competent person appointed by the manager for the purpose shall examine:-

(1) once in every day the condition of the winding ropes, and the attachments thereof to the drums and to the cages or other means of conveyance, and the winding wheels and all and every external part of the winding arrangements, upon the proper working of which the safety of persons depends;

(2) once in every week the guides and the winding compartments generally and the signalling arrangements; and shall make and sign a true report of the result of such examination. If the report discloses a dangerous condition such shall at once be remedied before any person is put to the hazard arising from such condition. The report shall be recorded in a book kept for the purpose and shall have placed against it the action taken to remedy dangerous conditions (if any) disclosed in the report. The report and the statement of action shall be dated.

30. In the case of gingle shaft metalliferous mines, each shaft in use must be provided with a ladderway, and such way must be fenced off from the winding way.

31. In shafts where the slope is less than 65° and more than 30° with the horizontal, resting places shall be placed at intervals of not more than 55 feet along the underlie or slope of the shaft

32. In shafts containing ladderways, which shafts make an angle of 25° or less with the vertical, platforms or resting places (collars) shall be provided at

intervals not exceeding 30 feet in such a way that no consecutive manholes are in a vertical line.

33. Apart from ladderways in shafts, there shall be provided such ladder or other ways as will furnish effectual means of exit from any underground working in use or in the course of working and such ladder or other ways shall be provided and maintained to the satisfaction of the Inspector who may require the provision of convenient platforms. •

Overhanging or vertical ladders shall not be employed except as a purely temporary measure, and this only with the consent of the Inspector.

34. All workings in which overhead subsidence is possible must be properly timbered or otherwise supported.

35. All underground ways shall when necessary to ensure the safety of all persons working in or passing through the same be securely timbered or otherwise supported and shall be not less than $5\frac{1}{2}$ feet in height unless the Inspector shall in writing exempt a way from the provision of this Regulation relative to height.

36. The following provisions shall apply to underground haulage roads :-

(1) a. Where haulage is operated by machinery other than locomotives or conveyors a signalling apparatus shall be provided by which distinct signals can be given to the driver of the haulage machinery from convenient places along the haulage roads ;

b. where haulage is operated by gravity and the inclined plane exceeds 150 feet in length some efficient means of communicating distinct signals between the stopping places shall be provided ;

c. where the system of haulage in use involves the possibility of the tubs running away and getting out of control such preventive measures shall be taken as are necessary to avoid accidents and are approved in writing by the Inspector.

(2) If persons are allowed to travel along a haulage road places of refuge (manholes) shall be provided along such roads at intervals of 50 feet unless there be ample room of at least 3 feet clear for a person safely to walk along the space between a moving tub and the side of the way. Every such manhole shall be kept constantly clear and unobstructed in itself and its approaches.

37. No underground connection shall be made with workings that have been disused until the Inspector is satisfied that adequate means have been taken to secure the safety of the persons in such working or the neighbourhood

38. In approaching workings likely to contain dangerous accumulations of water, boreholes shall be kept twenty feet in advance of the face as a precaution against an inrush of water, and no heading, drive, gallery, or other excavation shall be made within a dangerous distance of any accumulation.

39. The owner, agent, or manager shall at least 14 days prior to bringing into use any plant for the generation of power report to the Inspector the nature of the plant together with particulars as to the amount of the power and the purpose for which it is to be used.

40. Where the power generated is equivalent to 12 horse power or more, an engineer certified by the Inspector to be competent shall be in charge thereof. Where the power generated is less than 12 horse power any competent person may be in charge.

41. Steam boilers, compressed air apparatus, electrical apparatus having a current in excess of 25 volts, water wave transmitters, driving gear and power pumps shall be in the personal charge of a competent man or men appointed for the purpose by the manager or certified engineer and shall be in a fit and safe condition.

42. Every flywheel and all exposed parts of the machinery used in or about a mine shall be, and shall be kept, securely fenced, unless specially exempted by the Inspector.

43. Every steam boiler shall be provided with a proper steam gauge and water gauge and every air-receiver shall have attached to it a proper air-gauge to show respectively the pressure of steam, the height of water in the boiler and the pressure of air, and shall be inspected at least once a week by an engineer.

44. Electrical machinery of every description and all conductors of electricity must be so placed and protected in such manner as to preclude the possibility of accidents through inadvertent acts, and so that they are not likely to set fire to any part of any building.

45. No person shall wilfully damage or without proper authority remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, over-chain, flange, horn, brake, indicator, safety-valve, steam-gauge, air-gauge, indicator ladder, or other appliance or thing provided in or about any mine for the safety of any person employed.

46. If at any time any boiler, engine or other plant should appear to the Inspector to be in a condition likely to be dangerous or to cause loss of life or damage to property, he shall require such repairs or things to be done or effected as he may indicate in writing to the manager and shall indicate whether the work is to cease until such repairs or things are done or effected and if so what work is to cease. The repairs or things effected shall be done or effected as required as soon as practicable and until done or effected work to the extent indicated shall cease.

VENTILATION.

47. All parts of every underground way or working or other place where any person may properly be shall be ventilated to the satisfaction of the Inspector.

SANITATION.

48. In or about every mine and the underground workings thereof adequate provision to the satisfaction of the Inspector shall be made for sanitation and the prevention of nuisances. Suitable accommodation shall be provided. Rules shall be framed and enforced by the manager for the prevention of nuisances. Such steps shall be taken by the manager as will be amply sufficient for keeping all the underground workings and roads free from filth. Such steps shall be taken as the Inspector may require with a view to preventing the presence of flies and infection by the parasite of miner's anaemia.

LIGHTING MINES GENERALLY.

49. Every person in any unilluminated part of a mine shall carry a light giving an illumination of at least one candle power (except in the case of safety lamps used in coal mines) unless the Inspector shall exempt the mine from the provision of this regulation relative to the minimum required. In considering applications for exemptions (if any) the Inspector shall take into account on the one hand the difficulties of obtaining supplies of suitable lamps and on the other hand the need to prevent miner's nystagmus.

50. Loading, unloading, signalling and working stations and all places where machinery other than tubs or drills is working shall be so lighted that in the case of machinery the external parts of the same moving at a speed less than 150 feet per minute can be clearly distinguished and that in the case of loading, unloading, signalling and working stations any person there working can clearly see what he is doing. The Inspector may exempt any place from these provisions or may modify them or any of them in exceptional circumstances and subject to sufficient safeguards.

EXPLOSIVES, DRILLING AND BLASTING.

51. Explosives shall only be carried in or about a mine in boxes specially made for that purpose and of a pattern approved by the Controller save that explosives may be issued from the magazine for immediate use in secure cases or cannisters which shall not contain more than 5 lbs. of explosives with fuse.

52. The storage of explosives in the underground part of a mine is prohibited except in the following cases: —

(a) A small amount of explosives and detonators not exceeding an amount approved by the Inspector in writing may be kept in boxes of the approved pattern detonators being kept separate from explosives and the boxes being so placed that there is no risk of any of them being exploded or ignited by the explosion or ignition of another box or otherwise;

(b) when all the charges fired in a single shift are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be kept at least 30 feet away from the detonators. They must be placed in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

53. No more explosive shall be given out from a mine magazine than is required for use on that day. No person other than a manager, under-manager or person approved in writing by the manager shall be at any time in possession of the key of any mine magazine for the storage of explosives. When the issue of explosives is not being made therefrom, the mine magazine shall be kept locked. The mine magazine shall conform to the regulations made under the provision of any Ordinance regulating the storage of explosives.

54. Unused explosives shall be returned to an explosives magazine on the same day and in the meantime must be placed in a secure unlocked place provided for the purpose. Anyone finding any explosive shall take it at once to such place in order that on the same day it may be returned to an explosive magazine.

55. No person shall enter any magazine with a naked light.

56. All regulations herein relative to explosives shall be in addition to and not in derogation of those made or brought into operation by any law for the time being in force relative to explosives.

57. Where rock-drills are worked in highly siliceous rock the dust from which is liable to give rise to fibroid phthisis the holes must be kept sufficiently moist to prevent so far as practicable dust escaping into the air.

58. Only persons authorised by the manager shall be allowed to act as shot-firers. In any particular mine (not being a small mine) the Inspector may require that no person shall act as shot-firer unless he shall have been examined by and received a certificate of competence from the Inspector. In such cases the Inspector shall immediately take steps to examine the candidates from the mine in question. Such certificates may subsequently be cancelled by the Inspector for good cause.

59. All lights or burning substances must be removed to a safe distance during the preparation of the charges. No person shall in any mine whatever place a light on a box in which there are explosives, nor shall he hold it over such a box.

60. In charging no iron or steel pricker, scraper, tamping rod or tool shall be used and no explosive shall be forcibly pressed into a hole or pressed or struck when at the bottom of a hole. Only sand loosely filled in, soft clay or water shall be used as tamping material for any explosive requiring the use of the detonator. A thick wad of paper about 1 inch long must be placed next to the primer if sand or clay tamping is employed. The tamping must be at least 6 inches deep. No force must be used in tamping except where there is only gunpowder in charge and fuse when a wooden rammer or a wooden tamping rod must be used.

61. Blasting gelatine and other explosives shall not be lighted in order to set fire to fuses nor shall they be employed for any purpose other than the primary purpose.

62. Before firing a shot, due warning must be given to persons near, by shouting the fire signal and the number of shots intended to be fired. A sufficient guard shall be placed on every way of approach to the locality where the shot is to be fired so as to prevent any person inadvertently placing himself in dangerous proximity to the shot.

63. Before firing a shot in any place which is likely to be holed through by such blast into another place the person about to fire the shot shall satisfy himself that no person is in dangerous proximity on the other side at the time, and every person about to fire such a shot shall take precautions to prevent any person going near such a place until after the shot or all the shots should have been exploded or be known to have misfired.

64. Boring out a hole that has once been charged or withdrawing a charge either before firing or after a misfire is forbidden. The deepening of or tampering with holes which after blasting with explosives have been left standing is forbidden. Any new hole must be drilled as far away as practicable from an old one and never within one foot of a misfire at its nearest point.

65. Holes drilled on a face where there is a misfire must be so pitched as not to strike toward the hole containing the misfired charge.

66. If on the charging of shifts a misfired charge has been left, the hole shall be indicated in a clear manner by a circle of whitewash six inches wide and the overseer or other person in charge of the incoming shift shall be informed of the fact and shall instruct the workmen going to work on the face where the misfire has occurred to keep a safe distance from the place where the misfire has occurred until the misfire has been blasted.

67. Before commencing work after blasting, the shot-firer or the person in charge of the working place must be the first to go to the face of the working, and until he has announced it to be perfectly safe no other person may proceed there except in the case of emergency or accident.

EMPLOYED PERSONS.

68. No person under the age of 14 years shall be employed under-ground. No female shall be employed under ground without the consent of the Controller.

ACCIDENTS.

69. In the case of an accident involving loss of life or personal injury, any person who was present or associated with the person killed or injured or who discovered the accident shall be responsible for seeing that reasonable steps are taken either by reporting directly or by reporting to a superior, to communicate the facts to the manager. If a superior is communicated with that superior shall be personally responsible for seeing that the information is conveyed in like manner.

70. Any accident occurring in or about a mine which results in loss of life or personal injury shall be reported at once to the Controller and a report setting forth how, when, and where the accident occurred shall be forwarded within twenty-four hours.

71. If a death subsequently occurs from the effect of an accident already reported such death must be notified to the Controller.

72. (1) A reasonable supply of first aid appliances shall be kept readily available at every mine.

(2) The Inspector may, except in the case of small mines, require that a person or persons shall be instructed in the use of these appliances and that a building shall be provided in which patients may be treated in reasonable quietness and comfort.

PLANS.

73. (1) The mine owner or his agent of a mine upon which development work, exceeding in the aggregate 100 feet of shafts, winzes, levels and cross-cuts, has been carried out may be called upon by the Controller to employ a surveyor, duly admitted and licensed to practise in Palestine once every six months, or more often if necessary, who shall prepare in duplicate (the copy being if so desired cloth tracing), in accordance with technical instructions issued by the Controller the following plans and sections of the workings up to date viz. :—

(a) General surface plan.

(b) Working plan.

(c) Vertical, longitudinal projections of the workings on each reef, or mineral deposit, where the average inclination is more than 45°

(d) Transverse sections at right angles to the longitudinal projection at such distances apart or in such position as the Controller shall require.

(2) The original mine plan shall be kept at the mine, and the copy forwarded to the Controller.

74. The scale of all plans shall be in the case of surface plans 1 in 500, 1 in 1,000 or 1 in 2,500 and in the case of underground plans 1 in 500 or 1 in 1,000.

75. (1) The general surface plan shall show :—

(a) The position of all surface erections and the position of shafts and working which come to the surface.

(b) All railways, rivers and public roads or ways traversing the property.

(c) The boundaries of the areas the subject of the rights of the owner.

(d) Lines showing contours at vertical intervals of 20 feet.

(2) The plans and sections shall show all shafts and levels, winzes, rises, stopings and fillings in the roof stratum or deposit and shall indicate the position of other shafts, cross-cuts and excavations.

(3) The plans and sections shall also show the variations in thickness, character and value and strike and dip of the reef or deposits, the position, dimension and nature of cross courses and dykes and such information with regard to the dip and nature of the country rock as the Controller or the Inspector may require.

76. (1) When a mine is abandoned a correct plan of the mine in its state at the time of abandonment must be sent to the Controller.

(2) Such plan must show:—

(1) (a) the boundaries of the workings of the mine or seam, including not only the working faces but also all headings in advance thereof up to the time of abandonment;

(b) the pillars of mineral remaining unworked;

(c) the position, direction, and extent of every seam, lode, reef or vein and of every known fault of every seam in the mine or of the seam, as the case may be, with its vertical throw and of every known washout and intrusive dyke;

(d) the position of the workings with regard to the surface;

(e) the general direction and rate of dip of the strata;

(f) the depth of every shaft or in the case of an abandoned seam, the depth of every shaft from the surface to that seam; and

(2) A section of the strata sunk through, or, if that is not reasonably practicable a section of every seam in the mine, or of the seam, as the case may be.

(3) For the purposes of this regulation a mine or seam shall be deemed to be abandoned if

(a) it has not been worked for twelve months or

(b) the roadways and workings of the mine or seam are not maintained in an accessible condition.

RETURNS.

77. The manager of the mine shall cause to be sent to the Controller the following returns in triplicate:—

(a) a return to be made once every quarter showing the average number of persons employed on the mine, the numbers working underground and on the surface being shown separately;

(b) a return to be made monthly showing the production for the preceding month;

(c) a return to be made quarterly showing the development for the preceding quarter.

(d) such other returns as the Controller may require.

PART III.

OIL - FIELDS.

78. Such of the provisions contained in the preceding regulations, relating to mines shall apply to a concern operating in an oil-field as the Controller shall decide in each particular case, subject to such verbal changes as are necessary in the circumstances of the case.

79. A competent person hereafter referred to as the field manager shall be in charge of the operations and shall be deemed to be in the position the manager occupies in the case of regulations relating to mines. He shall be possessed of qualifications approved by the Controller.

80. If in the opinion of the Controller any method of well drilling, plugging, pumping, cementing or casing off water is likely to cause danger or injury to any oil-field or any part of an oil-field, the Controller may prohibit the use of such method in the whole or any part of any oil-field, or may direct that drilling, plugging, pumping, cementing, or casing off water by such methods shall be carried out in such a manner and with such materials and subject to such precautions as he may prescribe.

81. The Controller may direct in respect of the whole or any part of an oil-field that no well shall be drilled or deepened beyond a specified depth until such orders have been issued as the Controller considers necessary to prevent the influx of water into the oil bearing strata.

82. The Controller may require any field manager to produce evidence of the qualifications of any person operating under him or intended to be employed in operating under him in connection with drilling operations and the Controller may if in his opinion such person is not properly qualified to carry out the duties entrusted or to be entrusted to him direct that such person is not to be so employed.

83. Every driller shall, as soon as a bore strikes a water bearing stratum, inform the field manager who shall report to the Controller.

84. The report shall state the depth and thickness of the water bearing stratum as far as can be ascertained and the method proposed for shutting off the water.

85. If a flowing or pumping well begins to produce water the field manager shall report immediately to the Controller the facts of the case.

86. The Controller may direct that the field manager shall cause any well that is not flowing to be pumped periodically for the purpose of ascertaining if it is producing water, and that if any well be found to produce water the field manager shall cause it to be kept continually free of water by pumping.

87. The Controller may direct that any water bearing or oil bearing stratum whether such a stratum be found or be not found to contain water or oil, as the case may be, shall be isolated, by casing off, cementing or other means, or that any well be plugged partially or wholly, or that any other action be taken in respect of any well which may in his opinion be necessary to protect the oil bearing strata from flooding, and may specify the means to be taken and the materials to be used.

88. The Controller may direct that no action of the kind referred to in the immediately preceding regulation shall be taken by any field manager without his previous sanction, and may specify the means to be taken and the materials to be used.

89. In order to ascertain whether any action is necessary under the two preceding regulations or what action is necessary the Controller may direct that any well be pumped, bailed or otherwise tested in his presence or under his supervision or in the presence or under the supervision of any competent person or persons nominated by him or be inspected by such person or persons.

90. The Controller shall determine from time to time in an oilfield the areas to which the following regulations Nos. 91 to 99 shall apply and such regulations shall be enforced to the extent only to which they have been so applied.

91. No person shall use any light other than a vacuum electric lamp within 100 metres of a well head tank or pumping station and a notice to that effect in all appropriate languages shall be posted in such places as will ensure that this Regulation shall be brought to the notice of all concerned.

92. No person shall smoke or permit smoking by any person under his control within like distance prescribed by the preceding Regulations and a similar notice shall be posted as is prescribed in that Regulation.

93. The Controller may and on request by a field manager shall prescribe locations for forges and open fires. No person shall use or cause to be used any forge or open fire in any other location.

94. No naked lights or fires of any description shall be allowed within the vicinity of any oil-well, where there is a danger of the gases taking fire.

95. When any flowing well is opened to clean, deepen or repair it or where oil issues thereout other than through a pipe in which it is controlled every naked light and fire within 100 metres of the well shall be extinguished.

96. No person shall use or instal any internal combustion engine in which the external application of heat is necessary to ignite the charge within the cylinder, unless the engine is fitted with a safe ignition device approved by the Controller. In all cases where internal combustion engines are employed a device or devices approved by the Controller shall be used to prevent flame of gases in a state of ignition issuing from the exhaust ports into the outside air.

97. Every boiler consuming oil gas as fuel shall be fitted either with a steam connection to the feed-pipe, or with an additional pipe for the supply of steam so that the steam jet will quench heated parts of the fire-box as soon as the fuel-feed is cut off.

98. Arrangements shall be made where the bull wheel is working so that a constant drip of water falls on the band brake.

99. Every drilling well shall be provided with a steam pipe not less than one inch in diameter, which shall be laid from the boiler to the derrick and shall point directly to the top of the casing of the well and be about three feet distant from it. The stopcock in the steam pipe shall be as near the boiler as possible.

100. Where the oil from a well is out of control the field manager shall cause all possible steps to be taken to bring the oil into control as soon as possible.

101. No person shall open any flowing well to clean, deepen, or repair it between sunset and sunrise.

102. Every boring machine and bull wheel must be provided with an efficient brake.

103. In the case of every flowing well a gate-valve shall be fitted and if the well is flowing or is likely to flow between the casings, the space between the casings through which a flow is possible shall be shut by a stuffing box.

104. Well head tanks shall be securely constructed and placed and shall be covered in and, if the oil is from a well which makes gas, shall be fitted with a chimney at least 20 feet high or such greater heights as the Controller may in writing direct.

105. All pipes for the conveyance of oil shall be as far as possible laid underground.

106. On a well beginning to flow, no person shall carry on or allow to be carried on further drilling, unless and until an oil-saver has been affixed to the casing head.

107. The Controller may require such reasonable facilities as he may think fit to be provided for the suppression of outbreaks of fire in any oil-field or part thereof. The personnel involved shall be under the direct control of the Controller or such person as he may appoint.

108. A fire master shall be appointed to take immediate charge in the case of fire.

109. A signal shall be determined upon and shall be notified to all concerned the sounding of which shall be the fire alarm.

110. As soon as a fire is observed or a fire alarm given:—

(a) Every workman on the field shall be bound to assist in putting out the fire or in taking measures to prevent its spread as the fire master may direct.

(b) Within the area likely to be affected by the fire, or within any area which the fire-master may declare to be likely to be affected by the fire the following rules shall be observed.

(i) Every person in charge of a flowing well shall shut the gate-valve of the well.

(ii) Every person in charge of a drilled well shall be responsible for seeing that the contents of the site receiving tanks are as far as possible drawn off to tanks outside such areas.

(iii) All persons working at an open well shall be responsible for seeing that any digger working in the well is brought to the surface without delay.

(iv) Every person in charge of a pumping well shall be responsible for seeing that pumping is stopped.

111. Every person employed on any oil-field shall take all reasonable precautions against fire, whether such precautions are prescribed by the Controller or not.

112. Borings in progress must be under the constant supervision of a competent person appointed by the field-manager.

113. Every workman who notices gas issuing from a well, or anything that appears unsafe or likely to produce danger shall forthwith report it to the person in charge.

114. Every derrick shall be provided with a life line of suitable material securely fixed to the upper scaffold and to the ground at least fifty feet from the base of the derrick to afford a means of escape from the top of the derrick in case of fire.

115. Where work is being conducted in the upper part of the derrick or where the casing is being lowered or raised, the workmen must stand at a safe distance from the mouth of the well.

116. The Lessees shall at all times during the term of this lease cause to be made and kept at their office or counting house true and correct and

intelligible plans of the position of all borings, workings, and operations which have been made and carried on and all such plans shall be made, amended, and filled up by and from actual surveys made for that purpose at the end of every period of twelve months, and the Lessees shall at their own cost furnish to the Controller true and correct copies of such plans when required.

117. The Lessees shall provide and at all times keep to the satisfaction of the Controller the usual means for measuring, and shall measure or cause to be measured therein all crude oil obtained from time to time from the said borings and all natural gas sold and shall at the end of each day cause the total quantity won and got or sold during the previous twenty-four hours and measured as aforesaid to be entered in the aforesaid book or books of account, and the Controller may at all times during the said term employ any person or persons to be present at the measuring of the said crude oil and natural gas and to keep accounts thereof and to check the accounts of the Lessees.

CONTROL OF GAS WASTE.

118. The field-manager shall comply with such instructions as the Controller may issue in order to prevent the escape of natural gas from an oil or gas well or to utilize such gas for such other purposes as he may direct.

SCHEDULE III.

(FEES.)

1.	Issue of a prospecting Permit	£E.	2
2.	Renewal " "	"	1
3.	Issue or surrender of an Exploration Permit	"	5
4.	Issue, renewal or surrender of Prospecting Licence	"	5
5.	Fee payable per annum per 10 hectares or part thereof by holder of prospecting licence	"	1
6.	Issue, renewal or surrender of a prospecting Oil Licence	"	5
7.	Fee payable per annum per 10 hectares or part thereof by the holder of a prospecting oil licence	"	1
8.	Issue of a Mining Right	"	2
9.	Renewal of a Mining Right	"	1
10.	Grant or surrender of a Mining Lease	"	25
11.	Grant or surrender of a Mining Oil Lease	"	25
12.	Issue renewal or surrender of a Surface Lease granted under the provisions of Section 42 of the Ordinance	"	10

13.	Issue, renewal, surrender or enlargement of a Water Right	£E. 10
14.	Prior to the hearing of an objection to the grant of a water right under the provisions of Section 67 of the Ordinance the fee of £E. 5 for each day of 5 hours for which such hearing lasts with a minimum fee of £E. 5; such fee to be paid in the first instance by the objector or the person showing cause respectively and to be deemed costs in the cause.	
15.	Traders licence per annum	„ 10
	or if granted after the 30th June in any year	„ 5
16.	For permission to lessee to dispose of minerals other than those specified on the lease	„ 2
17.	For permission to the holder of a prospecting permit, prospecting licence, prospecting oil licence or exploration permit to remove, retain or dispose of minerals	„ 2
18.	On withdrawing an application for an exploration permit or prospecting oil licence, mining right, mining or mining oil lease	„ 5
19.	Registration of any Document (other than a Prospecting or Exploration permit, prospecting or prospecting oil licence, mining right or mining or mining oil lease)	P.T. 50
20.	For search in register for every hour or part thereof	„ 25
21.	For copy of, or extract of, any registered document, per every 100 words	„ 10

PART II.

R E N T S.

1.	Holder of a Mining Right	£. m/ms.
	Rent payable per 100 metres along the stream per annum	5.000
2.	Lessee of a Mining Lease	
(a)	In the case of lease giving the right to work precious minerals, for every hectare or part thereof	5.000

- | | | |
|-----|--|-------------------|
| (b) | In the case of a lease giving the right to work non-precious metallic minerals for every hectare or part thereof | £. m/ms.
5.000 |
| (c) | In the case of a lease giving the right to work non-precious non-metallic minerals for every hectare or part thereof | 2.500 |

3. Lessee of a Mining Oil Lease

In the case of a lease giving the right to work mineral oil, for every hectare or part thereof	2.500
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PART III

ROYALTIES.

A. Royalties on Oil and natural gas.

Royalty payable by the Lessee of a Mining Oil Lease or of a mining lease of bituminous limestones or shale for the purpose of extracting oil.

1. A royalty per ton of the net crude oil received into the Lessee's field storage tanks or reservoirs during the preceding twelve months at the following rate: that is to say:

On the first 10,000 tons	5 %
On each ton exceeding 10,000 but not exceeding 50,000	7½ %
On each ton exceeding 50,000 but not exceeding 90,000	10 %
On each ton exceeding 90,000 but not exceeding 130,000	12½ %
On each ton exceeding 130,000	15 %

Provided always that in cases where leases are obtained by public tender the royalty shall only be limited by the highest tender received.

For the purpose of these regulations net crude oil means crude oil after deducting water and all foreign substances and includes any casing head gasoline obtained. If the crude oil upon which royalty is payable is of more than one grade, the lessor shall be entitled to receive such proportion of each grade as the total amount of that grade bears to the whole of the oil upon which royalty is payable.

2. A royalty of one piastre per 1,000 cubic feet of natural gas sold by the lessee and calculated at an absolute pressure of one atmosphere and at a temperature of 60° F.

3. At the option of the lessor or Lessee the royalties prescribed by the two preceding regulations may be paid half yearly on the 1st January and the 1st July in respect of the amount of net crude oil received or natural gas

sold by the lessee during the preceding six months, but so that in the result the amount of royalty paid be not less than that hereinbefore provided having regard to the total amount of net crude oil received by the lessee in any one year.

4. The lessor may in respect of crude oil at his option take a royalty in kind or may require the lessee to pay its equivalent money value, but unless the lessor shall on or before the 31st March in any year by notice in writing to the lessee require the lessee to pay the royalty in kind it shall be deemed that the lessee shall be bound to pay the equivalent value of the royalty in money as hereinafter provided.

5. The equivalent money value above mentioned shall be fixed on the 1st January of each year by agreement between the lessor and lessee; and failing agreement, by Arbitration as prescribed by the Ordinance, and in assessing such value regard shall be had to the average value during the previous year of each grade of crude oil taken at the field storage tank, such value to be calculated where quotations for crude oil in the open market are not available by taking the prices obtainable for the refined products and deducting the reasonable cost of refining, transport and marketing plus a profit of 10% of these operations; no other deductions being allowed.

Provided that during the first two years of the lease the royalty per ton of net crude oil may at the discretion of the lessor be fixed at P.T. 20 per ton without prejudice to the power of the lessor to take royalty in kind during these years.

Provided further that the said rate of P.T. 20 per ton having been fixed arbitrarily in order to secure the advantage of a fixed rate during the said years no inference shall be drawn from the amount of the said rate in respect of the real value of the crude oil or products thereof either before the arbitrators referred to in this Regulation or otherwise.

6. Should the lessee have erected a refinery for the treatment of crude oil the lessor may if he has given notice as provided in this Regulation of his intention to take royalty in kind take in lieu thereof quantities of refined products equivalent to the amount of crude oil payable by way of royalty in kind due allowance being made for the cost of refining.

7. If the lessor has given notice in writing of his intention to take all or part of the royalty in kind the lessee shall within three months of the date from which the payment of royalty becomes due and on payment of all proper charges for the transport and storage of the oil provide all reasonable facilities at his disposal to enable the lessor to take delivery in kind at any point in the territory at his discretion whether in the form of crude oil or refined products.

8. For the purpose of the above Regulations where a Company holds more than one mineral oil lease in Palestine the royalties referred to above shall be assessed on the total production of the Company from all leases held by it, and where a Company owns a controlling interest in one or more subsidiary Companies the total production of the controlling and subsidiary Companies shall be aggregated for this purpose.

The controlling interest for the purpose of this Regulation means not less than the holding of 75% of the issued share capital for the time being of the subsidiary Company.

B. Royalties on other Minerals: -

Precious Minerals	5% of the product or the equivalent value thereof at the mine.
Non-Precious Minerals	2% of the product or the equivalent value thereof at the mine.

The equivalent value shall be fixed in the way prescribed in Regulation 5.

SCHEDULE IV.

1. Ottoman Law of Mines of 14th Sefer 1324 [26th March 1322]
2. Ottoman Law of 24th Moharrem 1327 [27th August 1325] concerning transport in Mines; as amended by the Ottoman provisional Law of 16th Jamad el Akhar 1332 [29th April 1330].
3. Ottoman Provisional Law amending the Law of Mines dated 14th Moharrem 1332 [1st January 1329].
4. Ottoman Provisional Law amending the Law of Mines dated 7th Rajab, 1333 [8th March 1331].
5. The Ottoman Land Code Article 107.